

GAHC010031602026



undefined

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WA/66/2026

M/S RIZA ENTERPRISE
REPRESENTED BY ITS PROPRIETOR ATIQUL HUSSAIN CHOUDHURY,
AGED ABOUT 40 YEARS, SON OF LATE JAMIR UDDIN CHOUDHURY,
RESIDENT OF HATIGAON, BHETAPARA, SARAIGHAT HOUSING M BLOCK,
3RD FLOOR, GUWAHATI, DIST.-KAMRUP(M), ASSAM, PIN-781028

VERSUS

THE STATE OF ASSAM AND ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, ANIMAL HUSBANDRY AND VETERINARY
DEPARTMENT, DISPUR, GUWAHATI-781006

2:THE PRINCIPAL SECRETARY
TO THE GOVT OF ASSAM ANIMAL HUSBANDRY AND VETERINARY
DEPARTMENT ASSAM SECRETARIAT CIVIL DISPUR GUWAHATI 06

3:THE DIRECTOR
DIRECTORATE OF ANIMAL HUSBANDRY AND VETERINARY CHENIKUTHI
GUWAHATI 03

4:THE DISTRICT ANIMAL HUSBANDRY AND VETERINARY OFFICER
CACHAR ASSAM 788001

5:THE EXECUTIVE ENGINEER CIVIL
ANIMAL HUSBANDRY AND VETERINARY DEPARTMENT CACHAR SILCHAR

6:THE JUNIOR ENGINEER CIVIL
ANIMAL HUSBANDRY AND VETERINARY DEPARTMENT CACHAR
SILCHAR

For the appellant/petitioner(s) : Mr. K. N. Choudhury, Sr. Advocate
Mr. T. Kashyap, Advocate

For the Respondent(s) : Mr. J. K. Goswami, SC, Animal
Husbandry & Veterinary Department

- B E F O R E -

**HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY**

24.04.2026

(Ashutosh Kumar, CJ)

We have heard Mr. K. N. Choudhury, learned senior counsel for the appellant, and Mr. J. K. Goswami, learned Standing Counsel, for the respondents/Animal Husbandry & Veterinary Department, Assam.

The appellant participated in a tender process for a government contract and was able to bag the contract for construction of a building for the Veterinary Sub-Centre at Sonapur, in the district of Cachar. The work order was issued to him sometimes in the year 2020 for an amount of 30.64 lakh (approx.), which, according to the records, was lower than the estimated cost. The site for the construction was also handed over to the appellant and, according to him, the work was completed on 15.03.2021, which fact was also communicated to the respondents.

However, as it appears from the records, there were complaints against the appellant regarding slow progress of the work and sub-standard construction. Because of such complaints, an inspection was carried out by PWD officials in the year 2021 and 2022, and the inspecting team, according to the appellant, gave a "satisfaction report" that the work had been completed as per the approved design.

Over and above the said report, another high-level enquiry committee was constituted in the year 2022, which actually submitted a report, different from the original report submitted by the PWD official. The high-level enquiry committee found that the work was incomplete and required rectifications.

Though the appellant has contended that the second enquiry was conducted behind his back and without any notice to him, the real grievance of the appellant is that no payment has been released to him despite having completed the work.

Mr. K. N. Choudhury, learned senior counsel for the appellant has submitted that when the matter was brought to the notice of the learned Single Judge, he refused to entertain the writ petition on the ground of disputed question of fact regarding completion of the work, which view, according to the appellant, only amounted to skirting the main issue.

The contention on behalf of the appellant is that nothing has been brought on record to indicate as to the necessity of constituting another enquiry committee and conducting another inspection behind his back. That apart, if the work was incomplete, it should have been specified in the report of the high-level committee, for the report to be acceptable, as to which part of the work is incomplete, and if such report were true, the appellant could have been asked to make necessary rectifications. Not doing so and withholding the payment to the appellant is a matter, which ought not to have been relegated to other forum like the civil Court for recovery of the due amount.

Let a detailed affidavit be filed by the respondents indicating the present status of the construction of the building in question, and whether

the appellant was asked to complete the construction, or to make rectification of the error(s) in the construction, if any.

Re-notify on **17.07.2026**.

JUDGE

CHIEF JUSTICE

Comparing Assistant