

GAHC010106102022



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

Case No. : WP(C)/3685/2022

RUHIT HUSSAIN LASKAR
S/O- ANUWAR HUSSAIN LASKAR
R/O- PHE ROAD, MADHURBOND, PART-I
UTTAR KRISHNAPUR,
P.O AND P.S- SILCHAR
PIN-788001
DIST- CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE SECRETARY. TO THE GOVT. OF ASSAM, WATER RESOURCE
DEPTT., DISPUR, GUWAHATI-781006.
ASSAM

2:THE COMMISSIONER AND SECY.
TO THE GOVT. OF ASSAM
FINANCE DEPTT.
DISPUR
GUWAHATI-781006.
ASSAM

3:THE CHIEF ENGINEER
WATER RESOURCE DEPARTMENT
KRISHNA NAGAR CHANDMARI GUWAHATI-03
DIST- KAMRUP (M)

4:THE EXECUTIVE ENGINEER
WATER RESOURCE DEPARTMENT
SILCHAR DIVISION SILCHARDIST- CACHAR ASSAM

5:THE ASSISTANT EXECUTIVE ENGINEER

WATER RESOURCE DEPARTMENT
SILCHAR DIVISION SILCHAR
DIST- CACHAR ASSA

Advocate for the Petitioner : MR. I ALAM, MS. R R BORAH, MR. T SK

Advocate for the Respondent : SC, WATER RESOURCE, SC, FINANCE

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 18.03.2026

Heard Mr. I. Alam, learned counsel, appearing for the petitioner. Also heard Ms. Tinlung, learned Standing Counsel, Water Resources Department, appearing for the respondent nos.1, 3, 4 & 5 as well as Mr. A. Chaliha, learned Standing Counsel, Finance Department.

2. The petitioner by way of instituting the present writ petition has prayed for a direction upon the respondent authorities for releasing to him his contractual dues amounting to Rs.12,78,139/- (Rupees Twelve Lakhs Seventy Eight Thousand One Hundred Thirty Nine), which is contended to be in arrears for a long period of time.

3. As projected in the present writ petition, the petitioner in pursuance to a process of tender, initiated by the respondent authorities was found to be the successful bidder for 5 nos. of works. The works which were allotted to the petitioner are the following ;

Sl.No.	Name of Work	Approximate Value of Work
1.	Flood management work to protect Channighat and Laltugram village from erosion of river Rukni on its left bank including R/S to embankment from Bagabazar to Sundari (Pt- A, B &C)	Rs.2,60,200/-

2.	Flood management work to protect Channighat and Laltugram village from erosion of river Rukni on its left bank including R/S to embankment from Bagabazar to Sundari (Pt-A, B &C)	Rs.4,33,700/-
3.	Flood management work to protect Channighat and Laltugram village from erosion of river Rukni on its left bank including R/S to embankment from Bagabazar to Sundari (Pt-A, B &C)	Rs.2,60,200/-
4.	4. Protection of Sonabarighat Uttarkrishnapur and Weavers Colony Berenga Nathpara area from the erosion of river Barak on its L/B	Rs.3,83,582/-
5.	Protection of Sonabarighat Uttar krishnapur and Weavers Colony- Berenga Nathpara area from the erosion of river Barak on its L/B	Rs.2,38,300/-

4. The petitioner on completion of the formalities involved after the issuance of the allotment order to him, had proceeded to undertake the execution of the said works.

5. It is projected that the petitioner had successfully completed the works, in question, and a part of the contractual bills as raised by the petitioner was also paid to him. However, an amount of Rs.12,78,139/- (Rupees Twelve Lakhs Seventy Eight Thousand One Hundred Thirty Nine) being in arrears and the same not being released by the respondent authorities inspite of repeated approaches made, led the petitioner to institute the present writ petition before this Court.

6. The learned counsel for the petitioner has reiterated the facts, noticed, hereinabove, and has submitted that the amount involved is an admitted amount and accordingly, the petitioner cannot be denied his dues in the matter.

7. Ms. Tinlung, learned Standing Counsel, appearing for the respondent nos.1, 3, 4 & 5, has submitted that the works involved were so required to be executed under the XII Flood Management Programme wherein 80% of the total estimated amount is to be borne by the Government of India, Ministry of Jal Shakti, and the balance 20% by Water Resource Department. The learned counsel submits that the Government of India's share in the said work not being released, the contractual dues of the petitioner was not being permissible to be cleared. Accordingly, she submits that a direction be issued to the Ministry of Jal Shakti, Government of India, for releasing the amount involved.

8. I have heard the learned counsel for the parties and perused the materials available on record.

9. Against the claim made by the petitioner in the present writ petition for release of his contractual dues amounting to Rs.12,78,139/- (Rupees Twelve Lakhs Seventy Eight Thousand One Hundred Thirty Nine), respondents in the Water Resource Department, have filed an affidavit in the matter and therein, had admitted that the petitioner had executed works amounting to Rs.11,25,624/-(Rupees Eleven Lakhs Twenty Five Thousand Six Hundred Twenty Four) and out of the said admitted amount, an amount of Rs.4,92,560/- (Rupees Four Lakhs Ninety Two Thousand Five Hundred Sixty) has already been released to him and a balance amount of Rs.6,33,064/- (Rupees Six Lakhs Thirty Three Thousand and Sixty Four) is in arrears.

10. The respondent authorities having only admitted the entitlement of the petitioner to the extent of Rs.11,25,624/-(Rupees Eleven Lakhs Twenty Five Thousand Six Hundred Twenty Four), the claim made by the petitioner over and above the said amount would not be permissible to be considered by this Court. This Court accordingly holds that the petitioner is entitled to an amount of Rs.11,25,624/-(Rupees Eleven Lakhs Twenty Five Thousand Six Hundred Twenty Four) and an amount of Rs.4,92,560/- (Rupees Four Lakhs Ninety Two Thousand Five Hundred Sixty), having already being released to him, the petitioner would now be required to be released an amount of Rs.6,33,064/- (Rupees Six Lakhs Thirty Three Thousand and Sixty Four) by the respondent authorities.

11. At this stage the submission made by the learned counsel for the respondent nos.1, 3,

4 & 5, is to the extent that a direction is required to be issued to the Ministry of Jal Shakti, Government of India, for release of its share in the works involved, is to be passed by this Court.

12. The said submission is noticed only to be rejected, inasmuch as, in the tender notices issued inviting bids for the work, in question, no such specification was made that the money involved therein, would be permissible to be released only on the same being made available by the Ministry of Jal Shakti, Government of India.

Further in the work orders issued to the petitioner also no such stipulation is found to have been made. Accordingly, the work being required to be executed by the authorities in the Water Resource Department, this Court is of the considered view that the amount involved would required to be released by the authorities in Water Resource Department, and it would be open to the authorities in the Water Resource Department, to claim the amount from the Government of India, if it is so permissible.

13. In view of the above conclusion reached by this Court, the respondents in the Water Resource Department are directed to release to the petitioner his admitted contractual arrears dues of Rs.6,33,064/- (Rupees Six Lakhs Thirty Three Thousand and Sixty Four) within a period of 6 (six) months from today.

14. In the event, the said amount is not released within a period of 6 (six) months from today, the said amount would carry an interest @ 6% per annum, immediately w.e.f. the date of 6 (six) months has lapsed from the date the petitioner has served a certified copy of this order upon the respondent nos.1, 3 & 4.

15. With the above observations and directions, the present writ petition stands disposed of.

JUDGE

Comparing Assistant