

GAHC010112362025



2025:GAU-AS:13128

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

Case No. : WP(C)/2879/2025

SMTI RUMA DAS
W/O KSHITISH CH DAS R/O WARD NO 3 BIDHAN PALLY PO PS AND DIST
KOKRAJHAR, ASSAM

VERSUS

THE STATE OF ASSAM AND 6 OTHERS
REP BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM,
HOME DEPARTMENT, GUWAHATI 6 ASSAM

2:THE ADDITIONAL CHIEF SECRETARY
TO THE GOVT OF ASSAM HOME DEPTT DISPUR GUWAHATI 6

3:THE PRINCIPAL SECRETARY
TO THE GOVT OF ASSAM STATE HOME DEPTT DISPUR GUWAHATI 6

4:THE DIRECTOR GENERAL OF POLCIE
ASSAM
B K KAKOTY ROAD ULUBARI GUWAHATI 7

5:THE ADDITIONAL DIRECTOR GENERAL OF POLICE (ADMN)
ASSAM
BK KAKOTY ROAD ULUBARI GUWAHATI 7

6:THE ADDITIONAL INSPECTOR GENERAL OF POLICE (ADMN)
ASSAM
B K KAKOTY ROAD ULUBARI GUWAHATI 7

7:THE SUPERINTENDENT OF POLICE
KOKRAJHAR
ASSAM

8:THE OFFICER COMMANDING
D/4 BN CRPF CAMP KOKRAKJHA

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH

Advocates for the petitioner(s) : Mr. JI Borbhuiyan

Advocates for the respondent(s) : Ms. U Das
Addl. Senior Govt. Advocate

Date of hearing & judgment : **22.09.2025**

JUDGMENT & ORDER(ORAL)

Heard Mr. JI Borbhuiyan, the learned counsel appearing on behalf of the petitioner. Ms. U Das, the learned Addl. Senior Govt. Advocate, Assam appears on behalf of the respondents.

2. The case of the petitioner herein is that the petitioner is the owner of 2(two) 10 KVA Generators and the respondent authorities were in urgent need of two new 10 KVA Generators one at C/129 Bn. CRPF Camp at Srirampur and another one at C/129 Bn. CRPF Camp Anthalbari, Kokrajhar. The respondent authorities accordingly made request to the petitioner to hire the said two generators. The petitioner agreed to the said proposal and vide memo dated 04.03.2019 issued by the Superintendent of Police Kokrajhar, the petitioner installed the said two generators in both the CRPF Camps by entering into certain terms and conditions. It is further stated that vide communication dated 02.11.2017 of the Executive Engineer, PWD, Kokrajhar Electrical Division, Kokrajhar forwarded to the Superintendent of Police, Kokrajhar it was informed

that the Hire Charge Rate of Diesel Generator set is Rs.95/- per day per KVA of APWD Electrical Schedule for 2013-14.

3. The petitioner's grievance is that respondent authorities hired the generators for their emergency use during the period from 10.03.2019 to 31.03.2025 and the authority concerned had duly issued the utilization certificate from time to time, for which the petitioner on different dates submitted the bills of the two hired generators as per the Hire Charge Rate for the aforesaid period which comes to Rs.38,99,897/-. However, the said amount has not been paid to the petitioner.

4. The learned counsel appearing on behalf of the petitioner submitted that the petitioner has been pursuing the matter delinquently with the respondents, but the respondent authorities have not shown any interest in making the payment of the admitted amount of Rs.38,99,897/- due to the petitioner for which the petitioner is facing hardship. The learned counsel for the petitioner further submitted that the respondent authorities have failed to discharge their duty in accordance with law and the same has caused prejudice to the petitioner. Hence, the petitioner has approached this Court by filing the instant writ petition.

5. Ms. U. Das, the learned Additional Senior Government Advocate has placed before this Court an affidavit-in-opposition filed by the respondent No.7. From a perusal of the said affidavit-in-opposition, it is seen that the respondent authorities have admitted their liability of an amount of Rs.38,99,897/-. The details can be seen in paragraph Nos.6 and 8 of the said affidavit-in-opposition

which being relevant are reproduced herein under:-

"6. That with regard to the statements made in paragraph 5 of the writ petition, the answering deponent begs to state that the competent authority had hired 02(two) nos. 10kKVA Generator from the above petitioner for use of the interest of public service and maintaining the law & order situation in respect of Kokrajhar District. Wherein one 10kVA generator was used for the period of 10/03/2019 to 30/11/2024 and the other 10kVA generator was used for the period of 10/03/2019 to 31/03/2025, However, this respondent has no authority to sanction the hired charge bills and accordingly all hired charge bills were forwarded to the office of the Assam Police Headquarters, Ulubari, Guwahati in different occasions through memos for according necessary sanction and release of fund for total admissible amount of Rs. 38,99,897/-(Rupees Thirty Eight Lakhs Ninety Nine Thousand Eight Hundred Ninety Seven) only.

8. That with regard to the statements made in paragraph 8 of the writ petition the deponent states that the petitioner had submitted a representation dated 11/04/2025 to the undersigned and accordingly all hired charge bills were again forwarded to the O/o Assam Police Headquarters, Ulubari, Guwahati vide this office memo no. KIR/E/Generator/2025/1211 dated 17/04/2025 for according necessary sanction and release of fund for total admissible amount of Rs.38,99,897/-(Rupees Thirty Elght Lakhs Ninety Nine Thousand Eight Hundred Ninety Seven) only. Therefore, the allegation that the undersigned didn't pay attention to the petitioner's plea is not true. This respondent is duty bound to disburse the hired charges as soon as the admissible fund is sanctioned and released from the Higher Authority, subject to final verification of the

actual claim of the petitioner.”

6. Upon perusal of the materials on record, and more particularly the paragraphs quoted above, it would be seen that the respondents therefore admit that the petitioner is entitled to the amount of Rs.38,99,897/-. Accordingly, the writ petition is disposed of with the following observations and directions:-

i) The petitioner is entitled to the amount of Rs.38,99,897/-as admitted by the respondents.

ii) The said amount of Rs.38,99,897/-be paid to the petitioner within a period of 6 (six) months from the date, a certified copy of the instant order is served upon the respondent No.4, i.e. the Director General of Police, Assam, Ulubari, Guwahati.

JUDGE

Comparing Assistant