

GAHC010112412025



2026:GAU-AS:6067

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

Case No. : WP(C)/2996/2025

M/S S. D. ENTERPRISE
A PROPRIETORSHIP FIRM HAVING ITS OFFICE AT VILLAGE - DHOPERTAL,
P.O.AND P.S. - FAKIRAGRAM, DISTRICT - KOKRAJHAR, (BTR) ASSAM
REPRESENTED BY ITS PROPRIETOR, SRI SUDIP DEB, 36 YEARS

VERSUS

STATE OF ASSAM AND 5 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, HOME AND POLITICAL DEPARTMENT, DISPUR,
GUWAHATI-6

2:THE BODOLAND TERRITORIAL COUNCIL
REPRESENTATED BY THE PRINCIPAL SECRETARY
BODOFA NWAGAR
KOKRAJHAR (BTR)
ASSAM
PIN 783370

3:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-6

4:THE DISTRICT COMMISSIONER
KOKRAJHAR (BTR)
ASSAM
PIN- 783370

5:THE ADDL. DISTRICT COMMISSIONER
KOKRAJHAR

(BTR)
ASSAM
PIN- 783370

6:THE EXECUTIVE ENGINEER
PWD
KOKRAJHAR DISTRICT AND CHIRANG DISTRICT TERRITORIAL
BUILDING DIVISION
KOKRAJHA

BEFORE

HON'BLE MR. JUSTICE DEVASHIS BARUAH

For the Petitioner(s) : Mr. D. P. Borah, Advocate
For the Respondent(s) : Mr. N. R. Sharma, SC, BTC
: Mr. K. Gogoi, Addl. Sr. GA, Assam

- Date on which Judgment was reserved : N/A
- Date of Pronouncement of Judgment : **04.05.2026**
- Whether the pronouncement is of the Operative Part of the Judgment : No
- Whether the full Judgment has been Pronounced : Yes

JUDGMENT AND ORDER (ORAL)

Heard Mr. D. P. Borah, the learned counsel appearing on behalf of the Petitioner and Mr. K. Gogoi, the learned Additional Senior Government Advocate appearing on behalf of the State Respondents. I have also heard Mr. N. R. Sharma, the learned Standing counsel appearing on behalf of the Bodoland Territorial Council.

2. The Petitioner herein is aggrieved by the inaction on the part of the Respondent Authorities in not making payment of the amount to which the Petitioner is entitled upon completion of the work.

3. The Petitioner herein is a registered Class-I contractor under the Public Works Roads Department, Public Works Building Department and Public health Engineering Department.

4. The case of the Petitioner herein is that the Respondent Authorities, more particularly Respondent No. 4, allotted several contractual works to the Petitioner at various CRPF camps in Kokrajhar District. Upon being so allotted, the Petitioner completed all the works in terms of the respective work orders and within the stipulated time, without any complaint from any quarter. It is the further case of the Petitioner that, upon completion of the said works, the concerned Authorities of the CRPF issued Work Completion Certificates in respect thereof. Thereafter, the Petitioner submitted bills amounting to Rs.3,44,38,166/- before the Office of the Deputy Commissioner, Kokrajhar, along with the Work Completion Certificates, for payment.

5. It is further the case of the Petitioner that the aforesaid

amount has been duly verified by the Respondent Authorities; however, despite such verification, the admitted bill amount has not been released. The learned counsel for the Petitioner submitted that several representations were made to the Respondent Authorities for release of the said amount; however, the amount of Rs.3,44,38,166/- still remains unpaid. Being aggrieved, the Petitioner has approached this Court under Article 226 of the Constitution.

6. Mr. K. Gogoi, the learned Additional Senior Government Advocate during the course of the hearing has placed before this Court an instruction issued by the Additional Deputy Commissioner, Kokrajhar dated 19.03.2026. The said instruction is kept on record and marked with the letter "X".

7. From a perusal of the said instruction, it appears that the Respondents have admitted that the Petitioner is entitled to the amount of Rs.3,44,38,166/-. However, due to non-receipt of funds, the payment could not be made. The said instruction dated 19.03.2026 is reproduced herein below:

*“GOVERNMENT OF ASSAM
OFFICE OF THE DISTRICT COMMISSIONER, KOKRAJHAR
(Nazarat Branch)*

To : *Shri Koustov Gogoi*
Addl. Sr. Government Advocate, Assam
Gauhati High Court, Guwahati

Sub : *Submission of present status of the W.P.(C) No.2996/2025*
(M/S S.D. Enterprise -Vs- The State of Assam & Ors.)

Ref : *Your letter No.ASGA/KG/2026/2278 & 2279 dated 10/03/2026*

Sir,

With reference to the subject cited above, I would like to inform you that the proposal for release of fund for clearing the outstanding liabilities of the writ petitioner along with other suppliers/contractors for supplying of various material, Generator Set on hire basis as well as construction works to various Army/CAPF camps in connection with Counter Insurgency Operations in Kokrajhar District has already been submitted to the Govt. in Home & Political Department vide this office e-File No.118137/2024/D1 Dated:18-07-2024 (copy enclosed). But, till date no fund has been received for payment to the instant writ petitioner.

As soon as the fund received from Govt. payment will be made to the concerned writ petitioner.

Submitted for favour of information and necessary action.

Yours faithfully,

Addl. District Commissioner
Kokrajhar"

8. Taking into account the above, this Court therefore disposes of

the instant writ petition with the following observations and directions:

- (i) The Respondent Authorities are directed pay the Petitioner the admitted amount of Rs.3,44,38,166/- or such amount after statutory deductions.
- (ii) The said exercise be completed within a period of 6 (six) months from the date a certified copy of the instant judgment is served upon the Respondent Nos. 2 & 3.
- (iii) Any amount paid during the pendency of the present proceedings would be set off at the time of disbursal of the amounts to the Petitioner.

JUDGE

Comparing Assistant