

GAHC010120102025



2026:GAU-AS:4094

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

**Case No. : WP(C)/3169/2025**

SRI BADAN KALITA  
S/O LATE KESHAB RAM KALITA, R/O HOUSE NO. 676-A, MANGLU MIKIR  
PATH, UPPER HENGRABARI, P.O. HENGRABARI, P.S. DISPUR, DIST.  
KAMRUP(M), GUWAHATI 781036, ASSAM.

VERSUS

THE STATE OF ASSAM AND 8 ORS  
REPRESENTED BY THE CHIEF SECY. TO THE GOVT. OF ASSAM, DISPUR,  
GUWAHATI 06, DIST. KAMRUP(M), ASSAM.

2:THE COMMISSIONER AND SECRETARY TO THE GOVT  
OF ASSAM  
FINANCE DEPARTMENT  
GROUND FLOOR  
F BLOCK  
JANATA BHAWAN  
DISPUR  
GUWAHATI-06  
DISTRICT- KAMRUP (M)  
ASSAM

3:THE PRINCIPAL SECRETARY TO THE GOVT OF ASSAM  
TRANSPORT DEPARTMENT  
DISPUR  
GUWAHATI-06  
DISTRICT- KAMRUP (M)  
ASSAM

4:THE JOINT SECRETARY TO THE GOVT OF ASSAM  
TRANSPORT DEPARTMENT  
DISPUR

GUWAHATI-06 DISTRICT- KAMRUP (M)  
ASSAM

5:THE DIRECTOR  
INLAND WATER TRANSPORT  
ASSAM  
ULUBARI  
GUWAHATI-781007

6:THE JOINT DIRECTOR  
INLAND WATER TRANSPORT  
ASSAM  
ULUBARI  
GUWAHATI-781007

7:THE EXECUTIVE ENGINEER  
INLAND WATER TRANSPORT DIVISION  
ASSAM  
ULUBARI  
GUWAHATI-781007

8:THE ASSISTANT EXECUTIVE ENGINEER  
INLAND WATER TRANSPORT DIVISION  
ASSAM  
ULUBARI  
GUWAHATI-781007

9:THE JUNIOR ENGINEER

G/K FERRY SERVICE  
IWT  
ASSAM  
GUWAHATI

**Advocate for the Petitioner** : MR. A DEKA,

**Advocate for the Respondent** : GA, ASSAM, SC, IWT,SC, FINANCE DEPTT.

**BEFORE**  
**HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

**ORDER**

**Date : 20.03.2026**

Heard Mr. A. Deka, learned counsel for the petitioner; Ms. U. Das, learned Additional

Senior Government Advocate for the respondent no. 1; Mr. B. Gogoi, learned Standing Counsel, Finance Department for the respondent no. 2; and Mr. R.B. Goswami, learned Standing Counsel, Transport Department for the respondent nos. 3 to 9.

2. The case projected by the petitioner in this writ petition, in brief, is that the petitioner is a registered Class-I [B] Contractor under the Department of Inland Water Transport, Assam. On participation in tender processes, the petitioner was awarded three Contract-Works, viz. [i] 'Renovation/Modification work along with minor overhauling of both side engines of old IWT vessels S.B. Boginodi [Assam-437] of Guwahati-Umananda river cruise service under 14-Minor works of SOPD-G, for the Financial Year : 2023-24 [the Contract-Work no. 1, for short]; [ii] 'Painting works of vessel SB Naharbil of G/K ferry service in connection with VVIP Programme' [the Contract-Work no. 2, for short]; and [iii] 'Painting works of vessel SB Kadam of G/K ferry service in connection with VVIP Programme' [the Contract-Work no. 3, for short]. The petitioner has claimed that on receipt of the Work Orders for the three Contract-Works, he had duly executed all the Contract-Works and submitted final bills for a total amount of Rs. 21,44,516/-. The petitioner has stated that out of the total bill amount of Rs. 21,44,516/-, the petitioner was paid Rs. 9,59,766/- till the institution of the writ petition, thereby, leaving an amount of Rs. 11,84,750/- as outstanding till date. Seeking a direction to release the outstanding amount, the writ petition has been filed.
3. The respondent no. 5 has filed an affidavit-in-opposition. In the affidavit-in-opposition, the respondent no. 5 has stated that the Contract-Work no. 1 was found to be duly executed by the petitioner and against the said Contract-Work, a final bill amounting to Rs. 21,44,516/- was received. It is stated that payment to the extent of Rs. 9,59,766/- has already been made and the outstanding amount, as on date, is Rs. 11,84,750/-. As regards the other two Contract-Works, the respondent no. 5 has stated, on the basis of office records, that the petitioner had executed the two Contract-Works and thereafter, submitted final bills amounting to Rs. 64,016/- and Rs. 59,635/-, that is, Rs. 1,23,651/- in total. It is further stated that upon receipt of financial sanction from the Government on 07.03.2025, a ceiling proposal was submitted to the Government during the

Financial Year : 2024-2025 for release of the amount of Rs. 11,84,750/- duly admitted by the respondent no. 5 against the Contract-Work no. 1. But, the fund was not released by the Government. It is further stated that proposals for a total amount of Rs. 1,23,651/- were also submitted before the Government. But, financial sanction was not accorded by the Government. As a result, a process for cancellation of the earlier sanction was initiated by the Directorate. After cancellation of the financial sanction, a fresh proposal would be submitted by the respondent no. 5 and the ceiling proposal would be submitted thereafter, for release of the above funds.

4. From the statements made by the respondent no. 5 on the basis of office records, it is found that liability against the three Contract-Works to the extent of Rs. 13,08,401/- has been admitted.
5. On a query, Mr. Goswami, learned Standing Counsel, Transport Department has submitted that it would be possible to release the admitted liability after completing all the formalities within a period of four months. Mr. Deka, learned counsel for the petitioner has agreed to the time limit proposed by the learned Standing Counsel, Transport Department.
6. In view of admission of the liability to the extent of Rs. 13,08,401/- and broad consensus arrived at by the learned counsel for the parties in the afore-stated manner, this writ petition is disposed of with a direction to the respondent authorities to complete the entire exercise including the matters of obtaining approval, sanction and ceiling, within a period of 4 [four] months from the date of submission of a certified copy of this order by the petitioner at the Office of the respondent no. 5 so that the amount of Rs. 13,08,401/- is disbursed in favour of the petitioner within the said period of four months.
7. This order disposes of the writ petition.

**JUDGE**

**Comparing Assistant**