

GAHC010138722024



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

**Case No. : RFA/5/2025**

The State Of Assam And 3 Ors  
REP BY THE COMMISSIONER AND SPECIAL SECRETARY PWD ROADS  
DEPTT GOVT OF ASSAM

2: The Chief Engineer Pwd Roads Assam  
CHANDMARI GUWAHATI 3 DIST. KAMRUP METRO ASSAM PIN 781003

3: The Superintendent Engineer  
PUBLIC WORKS DEPTT DIBRUGARH ROADS CIRCLE DIBRUGARH

4: The Executive Engineer  
PWD DIBRUGARH RURAL ROADS DIVISION DIBRUGARH

VERSUS

Pradip Kumar Das  
S/O LT ABHOY CHARAN DAS R/O FATASIL AMBARI NIPEN BORA ROAD  
GUWAHATI KAMRUP METRO ASSAM PIN 781025

**Advocate for the Petitioner** : MR. HIMADRI SANKAR BORAH, MR. A BISWAS, MR P K  
BASU, MR. P SAIKIA, MS M DAS

**Advocate for the Respondent** : MR. D GOSWAMI, MR N K KASHYAP, MR. J KALITA

**BEFORE**

**HON'BLE MR. JUSTICE ROBIN PHUKAN**  
**ORDER**

**18.03.2025**

Heard Mr A Biswas, learned counsel for the appellant and Mr D Goswami,

learned counsel for the sole respondent.

2. Mr Biswas, learned counsel for the appellant submits that there was delay in filing this regular first appeal and a petition for condonation of delay under Section 5 of the Limitation Act, was preferred before this Court and the same was dismissed and consequently, this appeal was also dismissed. Mr. Biswas further submits that, thereafter, the appellant had preferred one SLP before the Supreme Court and the Supreme Court, vide order dated 28<sup>th</sup> January, 2025, was pleased to condone the delay, subject to depositing of 50 % of the decretal amount before this Court and a cost of Rs. 1 lac has also been imposed in the executing Court. In view of the condonation of delay by the Supreme Court, and also 50 % of the decretal amount being deposited by the appellant, this appeal is admitted for hearing.

3. This appeal under Section 96, read with Order 41 Rule 1 of the Code of Civil Procedure and Section 151 of the Code of Civil Procedure, is directed against the Judgment and Decree dated 10.04.2023, passed by the learned Civil Judge No. 2, Kamrup (Metro), Guwahati, in Title Suit No. 362 of 2014.

4. It is to be noted here that vide Judgment and Decree dated 10.04.2023, the learned trial Court has decreed the suit. It is to be noted here that vide impugned Judgment, Order and Decree dated 10.04.2023, the learned Civil Judge No.2 Kamrup (M), Guwahati in Title Suit No. 362 of 2014, had decreed the suit and for realization of a sum of Rs. 2,98,76,518.39 and further declared that order dated 26.05.2010 issued by the defendant No.5 is illegal, unfair, baseless and null and void and not binding upon the plaintiff. And the Corrigendum dated 03.03.2011 issued by the defendant No.5 is void and not binding upon the plaintiff and also the decision of Empowered Committee dated 19.01.2012 upholding the termination of the work illegal and not binding upon the plaintiff. It is further decreed that the

letter dated 22.05.2012 issued by the defendant No.3, rejecting the representation of the plaintiff is null and void and not binding upon the plaintiff.

5. Issue notice to the respondent, returnable in 4 (four) weeks. However, no formal notice is required to be issued since Mr Goswami appears and receives notice on behalf of the sole respondent and extra copies of the memo of appeal be furnished to him, during the course of the day.

6. Registry shall call for the record from the learned trial Court .

7. List the matter after 4 (four) weeks.

**JUDGE**

**Comparing Assistant**