

GAHC010159042025



2025:GAU-AS:13234

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

Case No. : WP(C)/4079/2025

GOPAL GHOSH
S/O GOBINDA CHANDRA GHOSH R/O SUDHIR KUMAR BHADRA ROAD
HOJAI WARD NO. 8 4 PO AND PS HOJAI PIN 782435 DIST NAGAON ASSAM

VERSUS

UNION OF INDIA AND ORS
MINISTRY OF JAL SHAKTI E GOVERNANCE CELL 6TH FLOOR CABIN
SHRAM SHAKTI BHAWAN RAFI MARG NEW DELHI 110001

2:BRAHMAPUTRA BOARD
BASISTHA GUWAHATI ASSAM PIN 781029

3:THE STATE OF ASSAM
REP BY THE SECRETARY TO TRHE GOVT OF ASSAM WATER RESOURCES
DEPTT DISPUR GUWAHATI 6

4:THE CHIEF ENGIEER
WATER RESOURCES DEPTT ASSAM BASISTHA GUWAHATI 29

5:THE SUPERINTENDENT ENGINEER
WATER RESOURCES CIRCLE NAGAON 782001

6:THE EXECUTIVE ENGINEER
NAGOAN WATER RESOURCE DIVISION NAGOAN PIN 782001

7:THE ASSISTANT EXECUTIVE ENGINEER
RAHA
WATER RESOURCES SUB DIVISION PIN 782103 ASSA

For the Petitioner(s) : Mrs. K.K. Choudhury, Advocate
For the Respondent(s) : Ms. A. Gayan, CGC
Ms. Tinglung, Standing Counsel

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 24.09.2025

Heard Mrs. K.K. Choudhury, the learned counsel appearing on behalf of the petitioner. Ms. A. Gayan, the learned CGC appears on behalf of the Union of India and Ms. Tinglung, the learned Standing Counsel appears on behalf of the Water Resources Department, Government of Assam.

2. The undisputed facts, as evident from the materials on record are that the petitioner herein was issued a work order for completion of the R/S to T/Dyke along both banks of Kopilli river from Charaihagi to Tuklaitup (L/B), Basundhari to Killing Kopili Junction (L/B) and Chaparmukh to Ahatguri Amsoi P.W.D. Road (R/B) including anti-erosion measures at different reaches (Conversion of Dowel Bund to Full Section R/S work and Extension of Charaihagi to Tuklaitup dyke at upstream side) (Sub-Estimate). The bill value for the said work was Rs. 28,39,142/-. The Respondent Authorities have already paid an

amount of Rs. 60,000/- and there is a remaining amount of Rs. 27,79,142/- which having not been paid, the petitioner has approached this Court by filing the instant writ petition.

3. This Court issued notice vide an order dated 25.07.2025. In pursuance thereto, the respondent No. 4 i.e., the Chief Engineer, Water Resources Department filed an affidavit-in-opposition wherein it has been categorically admitted that an amount of Rs. 27,79,142/- is pending payment to the petitioner. This Court further finds it relevant to take note of that in the said affidavit-in-opposition there is a mention that the work done by the petitioner is related to a scheme under the FMP (Flood Management Programme) under XI Plan. Under this scheme, 80% of the cost is to be borne by the Ministry of Jal Shakti, i.e., the respondent No. 1 under the Central Share, and the remaining 20% is to be borne by the Government of Assam under the State's Share. It has been further mentioned in the said affidavit-in-opposition that in another writ petition being WP(C) No. 2303/2025 i.e. in the case of **Amarendra Sarma Vs. Union Of India & 5 Others**, the learned Coordinate Bench of this Court vide the order dated 13.08.2025 had passed certain directions. The said directions being relevant, are reproduced herein under:

“The Ministry of Jal Shakti shall release the arrear funds of Rs.10.84 crores in

respect of the 17 schemes. The same should be done, within a period of 2(two) months from the date of receipt of a copy of this order by the Brahmaputra Board. The Chief Engineer, Water Resources Department, Government of Assam, who has been given the communications made by the office of the Accountant General (Audit), Assam with regard to the non release of Rs.63,86,235/- in respect of the 4 schemes, i.e. AS-92, AS-93, AS-94, AS-104, shall submit replies to the communications made by the Accountant General(Audit) Office shall decide the same, within a further period of 1(one) month. The Chief Engineer, Water Resources Department, Government of Assam shall certify the correctness of the certificates issued by the various Engineers of the Water Resources Department, with regard to the contract works done by the petitioners and thereafter, pay to the petitioners the admitted amount. The State and Central Government will have to pay the bills of the contractors/petitioners for work done even on the foreclosed schemes, if the work orders had been issued prior to the foreclosure of the schemes in 2019, as per their respective shares. The entire exercise should be concluded within six months from the date of receipt of this order by the Chief Engineer, Water Resources Department, Government of Assam and the Commissioner/Secretary to the Government of Assam, Water Resources Department".

4. From the above, it is therefore evident that the amount of Rs. 27,79,142/- is an admitted amount by the Respondent Authorities and is payable to the petitioner. It is further apparent that the learned Coordinate Bench of this Court had also issued directions upon the Union of India to release the amount of Rs. 10.84 Crores in respect to the 17 schemes within a period of 2 (two) months from the date of receipt of a copy of the said order by the Brahmaputra Board.

5. Considering the above, this Court therefore disposes of the instant writ petition with the following observations and directions:

(i) The petitioner herein is entitled to the amount of Rs. 27,79,142/- from the Respondent Authorities jointly and severally.

(ii) The respondents jointly and severally are directed to pay the said amount of Rs. 27,79,142/- within a period of 6 (six) months from the date, a certified copy of this order is served upon the respondent No. 4.

(iii) The respondent No. 1 shall take effective steps as per the directions already passed by the learned Coordinate Bench of this Court in the order dated 13.08.2025 in WP(C) No. 2303/2025 so that the Water Resources Department of the Government of Assam is in a position to release the said amount to the petitioner at the earliest.

JUDGE

Comparing Assistant