

GAHC010177992020



2024:GAU-AS:12000

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

Case No. : WP(C)/5296/2020

M/S DEVI UDYOG

A SMALL SCALE INDUSTRY REGD. UNDER THE PROVISIONS OF
FACTORIES ACT, 1948, UNDER GOVT. OF ASSAM AND HAVING ITS OFFICE
AT 3RD FLOOR, KUSHAN PLAZA, MUKESH HYUNDAI SHOWROOM
BUILDING, GANESHGURI, DISPUR, GHY, ASSAM- 781006, AND ONE MORE
OFFICE AT LOCATED AT SETHI TRUST BUILDING, UNIT II, 8TH FLOOR,
NEAR SBI (GMC BRANCH), BHANGAGARH, GHY-03, ASSAM

VERSUS

THE STATE OF ASSAM AND 7 ORS
REP. BY THE COMM. AND SECY. PANCHAYAT AND RURAL DEVELOPMENT
DEPTT., ASSAM, DISPUR, GHY-6

2:COMM. AND SECY. TO THE GOVT. OF ASSAM
FINANCE DEPTT.
DISPUR
GHY-6

3:COMM. AND SECY. TO THE GOVT. OF ASSAM
PERSONNEL (B) DEPTT.
DISPUR
GHY-06

4:DIRECTOR
PANCHAYAT AND RURAL DEVELOPMENT
ASSAM
PANJABARI
GHY-06

5:THE ADDL. CHIEF SECRETARY
GUWAHATI DEV
URBAN DEV AND PANCHAYAT AND RURAL DEVELOPMENT DEPTT.
ASSAM

6:THE PROJECT DIRECTOR
DRDA AND AUTHORISED SIGNATORY OF DPC
DARRANG
MANGALDOI

7:THE JOINT DIRECTOR AND STATE NODAL OFFICE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT DEPTT.

8:THE DY. COMMISSIONER
DARRANG
MANGALDOI
ASSA

Linked Case : WP(C)/5453/2020

M/S DEVI UDYOG
A SMALL SCALE INDUSTRY REGISTERED UNDER THE PROVISIONS OF
FACTORIES ACT 1948 UNDER GOVERNMENT OF ASSAM AND HAVING ITS
OFFICE AT 3RD FLOOR
KUSHAN PLAZA
MUKESH HYUNDAI SHOWROOM BUILDING
GANESHGURI
DISPUR
GUWAHATI
ASSAM 781006
AND ONE MORE OFFICE AT LOCATED AT SETHI TRUST BUILDING
UNIT II
8TH FLOOR
NEAR SBI (GMC BRANCH)
BHANGAGARH
GUWAHATI -03
ASSAM

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE COMMISSIONER AND SECY. PANCHAYAT AND
RURAL DEVELOPMENT DEPTT.
ASSAM
DISPUR
GUWAHATI 6

2:COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM
FINANCE DEPTT.
DISPUR
GUWAHATI-6

3:COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM
PERSONNEL (B) DEPTT. DISPUR
GUWAHATI 06

4:DIRECTOR
PANCHAYAT AND RURAL DEVELOPMENT ASSAM
PANJABARI
GUWAHATI 06

5:THE ADDITIONAL CHIEF SECY.

GUWAHATI DEV
URBAN DEV AND PANCHAYAT AND RURAL DEVELOPMENT DEPTT.
ASSAM.

6:THE PROJECT DIRECTOR
DRDA AND AUTHORISES SIGNATORY OF DPC
DARRANG
MANGALDOI

7:THE JOINT DIRECTOR AND STATE NODAL OFFICE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT DEPTT.

8:THE DEPUTY COMMISSIONER
DARRANG
MANGALDOI
ASSAM.

Linked Case : WP(C)/5388/2020

M/S DEVI UDYOG
A SMALL SCALE INDUSTRY REGD. UNDER THE PROVISIONS OF
FACTORIES ACT
1948
UNDER GOVT. OF ASSAM
AND HAVING ITS OFFICE AT 3RD FLOOR
KUSHAN PLAZA
MUKESH HYUNDAI SHOROOM BUILDING
GANESHGURI
DISPUR
GUWAHATI
ASSAM-781006
AND ONE MORE OFFICE AT LOCATED AT SETHI TRUST BUILDING
UNIT II
8TH FLOOR
NEAR SBI (GMC BRANCH) BHANGAGARH GUWAHATI-03
ASSAM.

VERSUS

THE STATE OF ASSAM AND 7 ORS
REP. BY THE COMM. AND SECY. PANCHAYAT AND RURAL DEVELOPMENT
DEPTT.
ASSAM
DISPUR
GUWAHATI-06.

2:COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM
FINANCE DEPTT.
DISPUR
GUWAHATI-06.

3:COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM
PERSONNEL (B) DEPTT.
DISPUR
GUWAHATI-06.

4:DIRECTOR
PANCHAYAT AND RURAL DEVELOPMENT
ASSAM
PANJABARI
GUWAHATI-06.

5:THE ADDL. CHIEF SECRETARY
GUWAHATI DEV.
URBAN DEV. AND PANCHAYAT AND RURAL DEVELOPMENT DEPTT.
ASSAM.

6:THE PROJECT DIRECTOR
DRDA AND AUTHORISED SIGNATORY OF DPC
DARRANG
MANGALDOI.

7:THE JOINT DIRECTOR AND STATE NODAL OFFICE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT DEPTT.

8:THE DY. COMMISSIONER
DARRANG
MANGALDOI
ASSAM.

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

For the Petitioner(s) : Mr. S. K. Saha, Advocate

For the Respondent(s) : Ms. N. Baruah, SC, P&RD

Date on which judgment is reserved : NA

Date of pronouncement of judgment : 06.05.2026

Whether the pronouncement is of the
Operative part of the judgment? : NA

Whether the full judgment has been
Pronounced? : Yes

JUDGMENT AND ORDER (ORAL)

Heard Mr. S. K. Saha, the learned counsel appearing on behalf of the Petitioner. Ms. N. Borah, the learned counsel appears on behalf of the P&RD Department.

2. Taking into account that the issues involved in the three writ petitions are similar, the said writ petitions are taken up for disposal by this common judgment and order.

3. The brief facts which led to the filing of the present three writ petitions are narrated herein under:-

WP(C) No.5296/2020

4. The Petitioner herein claims that the Petitioner was selected

and approved for supply of various materials under the scheme MGNREGA for Pub-Mangaldai Block in the district of Darrang, Assam. The Petitioner further claims that he had supplied the required materials as per the scheme and under the Supply Order No. DRDA-Darrang /Supply Order No.: -Pub-Mangaldai-DRDA/ MLD /67/2015-16/2670 dated 12.01.2016. It is the further case of the Petitioner that the Petitioner submitted the total bills for the supply of materials of an amount of Rs.18,69,300/- during the period 2015-16 and Rs.28,97,415/- for the period from 2016-17 totalling to an amount of Rs.47,66,715/-. It is the further case of the Petitioner that an amount of Rs.37,92,090/- was released to the Petitioner and there was an outstanding amount of Rs.9,74,625/-. The said amount having not been paid, the present writ petition has been filed.

WP(C) No.5388/2023

5. In the instant case, the Petitioner herein also claims that he had supplied various materials pursuant to the Supply Order No.DRDA, Darrang Supply Order No. Sipajhar-DRDA /MLD/67/2015-16/2872 dated 12.01.2016. The total amount for supply of the materials for the period 2015-16 was Rs.22,52,926/- and for the period 2016-17 was Rs.5,31,495/- totalling to Rs.27,84,420/-. It is the further case of the Petitioner

that an amount of Rs.19,52,237/- had been released and thereby there was an outstanding of Rs.8,32,183/-. On account of the non-release of the outstanding amount, the instant writ petition had been filed.

WP(C) No.5453/2020

6. In the instant writ petition, it is also the case of the Petitioner that in pursuance to a Supply Order No.DRDA, Darrang Supply Order No. Pachim- Mangaldai-DRDA/MLD/67 /2015-16/267 dated 12.01.2016, the Petitioner supplied the materials during the period 2015-16 of an amount of Rs.19,80,900/- and during the period 2016-17, the Petitioner supplied materials of a value of Rs.18,83,250/- totalling to Rs.38,64,150/-. It is the case of the Petitioner that an amount of Rs.34,93,021/- had been paid/released to the Petitioner thereby an outstanding of Rs.3,71,129/- was remained outstanding. On account of the non-payment of the aforementioned amount, the instant writ petition was filed.

7. This Court has also taken note of that pursuant to issuance of notice, the P&RD Department has filed a common affidavit-in-opposition wherein it is categorically mentioned at paragraph No.4 that after due verification it was found that there was no such material bills shown in the MIS (Management Information

System), and therefore, there was no outstanding bill to be paid in the name of the Petitioner. Paragraph No.4 of the said affidavit-in-opposition filed in WP(C) No.5296/2020 being relevant is reproduced herein under:-

“4. That the deponent herein submits that as regards to the claim of the petitioner regarding the non-payment of bills is not true as per the letter No. SDB/Esstt-71/2020-21/ dated 16.06.2025, letter No. PMDB/Estt-43/Pt-II/2018-19/698 dated 13.08.2025 and letter No. PMDB/RD/MGNREGA/8/Pt-III/Gen/2025-25/599 dated 11.08.2025 issued by the BDOs of the Sipajhar Development Block, Pub-Mangaldai Development Block and Paschim Mangaldai Development Block respectively to the Chief Executive Officer, Darrang Zilla Parishad whereby it is found that after the verification by the concerned Block Development Officers of the Darrang District, no such material bills are showing in MIS (Management Information System) and therefore, there is no outstanding bill in the name of M/S Devi Udyog i.e. the Petitioner and as such said pending bills cannot be admitted.

It is pertinent to mention herein that until and unless bills are uploaded in the MIS then only it can be admitted that there are some pending bills and accordingly, same will be released but in the case of the petitioner no such bills can be seen uploaded in the MIS and as such the prayer of the petitioner to release the pending bills cannot be admitted.

Copies of the letters dated 16.06.2025, 13.08.2025

*and 11.08.2025 issued by the concerned BDOs to the CEO, Darrang are annexed herewith and marked as **Annexure-1, 2 and 3.***

8. The records further show that on 18.08.2025, the Petitioner sought for time for filing the affidavit-in-reply, but no affidavit-in-reply was filed inspite of a passage of more than 9 months.

9. This Court has duly heard the learned counsels appearing on behalf of the parties and had also perused the materials on record. From the materials on record, it is seen that the Respondents herein categorically denied the entitlement of the Petitioner as regards the claims made in the three writ petitions. In view of such categorical denial, this Court would not be in a position to decide such factual issues as to whether the Petitioner had supplied and pursuant to such supply whether the Petitioner was made any payment and whether there was an outstanding to the tune which the Petitioner had claimed in the instant three proceedings. It is also the opinion of this Court that such disputes can only be adjudicated in a forum wherein evidence can be led.

10. Considering the above, this Court is not inclined to entertain the instant writ petitions on the ground of disputed questions of facts and the same would require detailed factual adjudication on the basis of evidence.

11. Accordingly, all the three writ petitions stand dismissed.

12. Before parting with the record, this Court however observes that the dismissal of the instant writ petitions shall not preclude and prejudice the Petitioner to approach the Competent Court of Civil Jurisdiction, if otherwise permissible under law. This Court also takes note of that the three writ petitions were filed on 03.12.2020 and the Petitioner has been bonafidely pursuing the proceedings with an impression that this Court may pass appropriate directions. Taking into account that the Petitioner has been bonafidely and diligently pursuing the present proceedings, and this Court having not entertained the dispute on account of disputed questions of facts, it is the opinion of the Court that the Petitioner should be granted the benefit of Section 14 of the Limitation Act, 1963. Accordingly, the period from the date of filing of each of the writ petitions as mentioned above till date shall be excluded while computing the period of limitation.

JUDGE

Comparing Assistant