

GAHC010187472023



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

Case No. : WP(C)/4948/2023

MUSLIM ALI
S/O LT. MAKBUL ALI R/O SUNDARBARI P.S JALUKBARI GUWAHATI 14
DIST. KAMRUP METRO ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMMISSIONER AND SECRETARY AND SPECIAL SECRETARY
TO THE GOVT OF ASSAM PUBLIC AND WORKS BUILDING AND N.H
DEPTT. DISPUR GUWAHATI 781006

2:THE COMMISSIONER AND SPECIAL SECRETARY
TO THE GOVT OF ASSAM PUBLIC AND WORKS BUILDING AND N.H
DEPTT. DISPUR GUWAHATI 781006

3:THE CHIEF ENGINEER

PUBLIC WORKS DEPTT. (BUILDING) ASSAM CHANDMARI GUWAHATI
781003

4:THE EXECUTIVE ENGINEER

PWD GOALPARA DISTRICT AND SOUTH SALMARA MANKACHAR
DISTRICT TERRITORIAL BUILDING DIVISION GOALPARA PIN 783101

5:THE SPECIAL CHIEF ENGINEER
PWD BUILDING HEALTH AND EDUCATION ASSAM CHANDMARI
GUWAHATI 78100

Advocate for the Petitioner : MR P SARMA, MR. K N CHOUDHURY

Advocate for the Respondent : SC, PWD ROAD,

Linked Case : WP(C)/3793/2022

MUSLIM ALI
S/O LATE MAKBUL ALI
R/O SUNDARBARI
P.S. JALUKBARI
GUWAHATI-14

DIST. KAMRUP (METRO) ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE GOVT. OF ASSAM
PUBLIC WORKS (BUILDING AND N.H.) DEPARTMENT
DISPUR
GUWAHATI-781006

2:COMMISSIONER AND SPECIAL SECRETARY TO THE GOVT. OF ASSAM

PUBLIC WORKS (BUILDING AND N.H.) DEPARTMENT
DISPUR
GUWAHATI-781006

3:THE CHIEF ENGINEER

PUBLIC WORKS DEPARTMENT (BUILDING)
ASSAM
CHANDMARI
GUWAHATI-781003

4:THE EXECUTIVE ENGINEER

P.W.D. GOALPARA DISTRICT AND SOUTH SALMARA MANKACHAR
DIST. TERRITORIAL BUILDING DIVISION
GOALPARA
(ERSTWHILE THE EXECUTIVE ENGINEER) P.W.D. GOALPARA BUILDING
DIVISION
GOALPARA
ASSAM

Advocate for : MR. K N CHOUDHURY

Advocate for : SC
PWD (BULDING) appearing for THE STATE OF ASSAM AND 3 ORS

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

25.02.2026

Heard Mr. P. Sarma, learned counsel for the petitioner and Mr. M. Bhuyan, learned counsel on behalf of Mr. B. Gogoi, learned Additional Advocate General, Assam for the State respondents.

2. The bone of contention between the parties is with regard to a work order bearing no. BPM.17/2013/17 dated 28.02.2014 whereby the petitioner was awarded a contract-work, namely, 'Construction of ITI under MSDP at Nidanpur, Lakhipur in Goalpara District under Goalpara Building Division' [the Contract-Work', for short] at a Contract Price of Rs. 3,69,25,000/- with the condition that the Contract-Work would have to be completed within a stipulated period of twelve months following compliance of requisite formalities.

3. There were claims and counterclaims in respect of execution of the Contract-Work. According to the petitioner, the petitioner was made to execute certain extra works in connection with the Contract-Work. This Court on 30.08.2023, has observed that the respondent authorities should take appropriate steps to carry out joint measurements of the Contract-Work executed by the petitioner till 02.08.2023 with the assistance and cooperation of the petitioner.

4. During the subsequent proceedings, it was submitted on behalf of the petitioner that he would be ready and willing to carry out also the remaining part of the Contract-Work, which has remained unexecuted. In view of such submission from the end of the petitioner, Mr. Gogoi had obtained instructions from the Chief Engineer PW[H&E] Department and had submitted on 11.02.2026 that the Department would have no objection if the petitioner

unconditionally undertakes that he would execute the Contract-Work at the original BOQ rate and the original tender agreement.

5. As few issues have fallen for resolution and the parties are agreeable for resolution of the issues through medication, this Court is of the view that there is scope for mediation and therefore, the case is placed for mediation to explore resolution of the pending issues through mediation.

6. For the purpose of further reference, the parties shall contact the Coordinator/Nodal Officer of the Mediation Centre on 05.03.2026, as sought for and agreed to by the parties.

7. The petitioner and the concerned official respondents along with the learned counsel for the parties, shall appear before the Mediation Centre on 11.03.2026.

8. Mr. Bhuyan, learned counsel appearing for the official respondents shall apprise the respondent authorities about the afore-mentioned two dates, 05.03.2026 & 11.03.2026, so that the responsible officials competent to take decision attend the mediation process with necessary instructions.

9. Mr. Sarma, learned counsel for the petitioner shall also communicate the date fixed for mediation to the petitioner who shall appear in person on the two dates, 05.03.2026 & 11.03.2026, without fail.

10. Office to list the cases again immediately after receipt of a report from the Mediator about conclusion of the medication process.

JUDGE

Comparing Assistant