

GAHC010190062025



undefined

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

Case No. : WP(C)/4887/2025

SRI GULJAR HUSSAIN CHOUDHURY
S/O MAKLISUR RAHMAN CHOUDHURY R/O VILL NITAINAGAR PO AND PS
RATABARI DIST SRIBHUMI ASSAM

VERSUS

THE STATE OF ASSAM AND ORS
REP BY THE COMMISSIONER AND SPECIAL SECRETARY TO THE GOVT OF
ASSAM PUBLIC WORKS ROADS DEPTT DISPUR GUWAHATI 6

2:THE DEPUTY SECRETARY
TO THE GOVT OF ASSAM ESTT B BRANCH CONFIDENTIAL CELL PWRD
DISPUR GUWAHATI 6

3:THE CHIEF ENGINEER BORDER ROADS
ASSAM
CHANDMARI GUWAHATI 3

4:THE SUPERINTENDING ENGINEER
PWD ROADS CACHAR CIRCLE
SILCHAR

5:THE EXECUTIVE ENGINEER
PWRD
R K NAGAR T R DIVISION R K NAGAR DIST SRIBHUMI ASSAM

6:MONSUR AHMED
S/O NAYEEM UDDIN AHMED R/O MAIDIHI WARD NO. 1 STEELEMEN
ROAD DIST SRIBHUMI ASSAM PIN 78871

Advocate for the Petitioner : A B T HAQUE, MR. D P BORAH,MR U GHOSH

Advocate for the Respondent : SC, PWD,

**BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 03.09.2025

Heard Mr. J. Roy, learned Senior Counsel assisted by Mr. D. P. Borah, learned counsel for the petitioner.

Challenge made in this petition is to the communication dated 05.06.2024 issued by the Deputy Secretary to the Government of Assam, Estt-B Branch (Confidential Cell) PWRD, Dispur, Guwahati; communication dated 17.06.2025 & 07.08.2025 issued by the Chief Engineer, PWD (Border Roads), Assam, Chandmari, Guwahati and communication dated 19.08.2025, issued by the Executive Engineer, PWRD, Patherkandi & R.K. Nagar T.R. Division, R. K. Nagar, Sribhumi District, Assam, whereby, *inter alia*, the respondents have liquidated and forfeited the bank instrument of the petitioner available with the Department and also directed him to refund the remaining amount to PMGSY SD Account, pertains to the construction of road from Anipur-Zamung NEC Road to Dakshin Rampur including CD Works and routine maintenance of the works for five year under PMGSY, Package No. AS-13-278 (Balance Work).

It is the contention of the learned Senior Counsel that the work for construction of road from Anipur-Zamung NEC Road to Dakshin Rampur including CD Works and routine maintenance of the works for five year under PMGSY-Batch-I was awarded to the petitioner pursuant to the NIT after termination of the contract of the respondent No. 6. He submits that the petitioner has completed the entire work. However, after the payment of 50% of the amount for the said work, the impugned communications have been issued illegally.

Issue notice, returnable by 4 (four) weeks.

As Mr. B. Gogoi, learned Standing Counsel for the PWD has entered appearance and accepted notice on behalf of the respondent Nos. 1 to 5, no formal notice need be sent to the said respondents. However, requisite extra-copies of the writ petition along with the documents appended thereto be furnished to him during the course of the day.

Steps for service of notice upon the respondent No. 6 be taken by registered post with A/D as well as by usual process, within 3 (three) working days.

Considering that the petitioner appears to have completed the work, without commenting on the veracity of the enquiry report at this stage, it is provided that the respondent authorities shall not take coercive action against the petitioner.

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

JUDGE

Comparing Assistant