

GAHC010190772024



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

Case No. : WP(C)/4745/2024

NARENDRA NATH SARMAH
S/O- LATE MAHAT SARMA, WORKSHOP, ABHAYAPURI TOWN, P.O.
ABHAYAPURI, DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, PUBLIC WORKS DEPARTMENT (BUILDING AND N.H.), DISPUR,
GUWAHATI-6.

2:THE CHIEF ENGINEER
PWD (N.H. WORKS)
CHANDMARI
GUWAHATI-03.

3:THE SUPERINTENDING ENGINEER
PWD (NH)
NORTHERN ASSAM CIRCLE
CHANDMARI
GUWAHATI-03.

4:THE EXECUTIVE ENGINEER

PWD (MH.)
ABHAYAPURI CONSTRUCTION DIVISION
ABHAYAPURI
DIST. BONGAIGAON
ASSAM
PIN- 783384

Advocate for the Petitioner : MD S HOQUE, MR. M DEKA, MS A BEGUM, MS B A AHMED

Advocate for the Respondent : SC, PWD ROAD,

**BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE**

ORDER

19.01.2026

Heard Mr. S. Hoque, learned counsel for the petitioner.

Mr. B. Choudhury, learned Standing Counsel, PWD appears for the respondents.

By filing this writ petition, the petitioner has prayed for a direction to the respondent authorities to make payment of admitted outstanding bill of Rs.9,86,164/- for execution of construction work of Flood Damage Repairing and Ordinary Repairing under the Executive Engineer, PWD (NH), Abhayapuri Construction Division for the period 2012-2013 and 2013-2014.

The petitioner is a contractor under the Public Works Department (NH) under the Government of Assam. He was allotted a construction work for Flood Damage Repairing and Ordinary Repairing under the Executive Engineer, PWD (NH), Abhayapuri Construction Division for the period 2012-2013 and 2013-2014.

It is the claim of the petitioner that he has successfully executed the said construction work as per the work order issued to him for which an outstanding liabilities certificate was issued for an amount of Rs.12,83,164/-.

The respondent authorities, despite satisfactory execution of the said works, failed to clear the bill for which the petitioner approached this Court being

WP(C) 5824/2015 and the same was disposed of on 30.09.2015 by directing the Chief Engineer, PWD (NH), Assam, to make verification of the claim of the petitioner and to take a decision within a period of 3 (three) months. On the failure to comply with the said order of this Court, a Contempt Case was filed being Cont.Cas(C) 318/2016. During pendency of the contempt case, the petitioner was paid an amount of Rs.2,96,258/- without any verification.

It is the contention of the petitioner that despite assurance verbally, the respondents authorities have failed to pay the balance amount of Rs.9,86,164/-. Therefore, learned counsel for the petitioner prays for a direction to pay the balance amount to the petitioner.

This Court while issuing notice on 18.09.2024, directed the learned counsel for the respondents to obtain instructions and to apprise this Court whether the amount claimed by the petitioner is admitted by the respondent department or part thereof and if yes, the reasons for non-payment of such dues.

Today, despite clear direction of this Court, no instruction is placed by the respondent departments.

Having considered that the respondents have failed to place any instruction as to whether the amount claimed by the petitioner is admitted or not, despite clear direction of this Court, which may amounts to admission of the entitlement of the petitioner, I deem it appropriate to dispose of this writ petition with a direction to the respondent authorities to verify the claim of the petitioner and if the amount claimed is found admitted, the same be paid to the petitioner.

Accordingly, it is directed that the respondent authorities particularly Chief Engineer, PWD (NH) shall verify the claim of the petitioner within a period of 3

(three) months from today. If the same is found to be admitted, the same shall be paid within 2 (two) months thereafter.

The writ petition stands dispose of, in terms of the above.

JUDGE

Comparing Assistant