

GAHC010193932025



2026:GAU-AS:6478

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

Case No. : WP(C)/5153/2025

HARI CHANDRA KALITA
S/O LATE TAPESWAR KALITA, R/O- BHEBARGHAT KALITAPARA,
MANGALDOI, P.O- MANGALDOI, P.S- MANGALDOI, DISTRICT- DARRANG,
PIN- 784125, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY, HOME AND POLITICAL
DEPARTMENT, DISPUR, GUWAHATI-781006, KAMRUP (M), ASSAM

2:THE COMMISSIONER OF POLICE
ASSAM POLICE COMMISSIONERATE
M.G. ROAD
PANBAZAR
GUWAHATI-781001
KAMRUP (M)
ASSAM

3:THE DIRECTOR GENERAL OF POLICE
GUWAHATI-7
ASSAM

4:THE MOTOR TRANSPORT OFFICER
POLICE RESERVE
ASSAM POLICE COMMISSIONERATE
M.G. ROAD
PANBAZAR
GUWAHATI-781001
KAMRUP(M)
ASSAM

5:ADDITIONAL DISTRICT MAGISTRATE
KAMRUP (M) DISTRICT
GUWAHATI-1
ASSA

B E F O R E

HON'BLE MR. JUSTICE DEVASHIS BARUAH

Advocates for the petitioner(s) : Mr. A Deka
Advocates for the respondent(s) : Mr. G Bokolial
Govt. Advocate, Assam
Date on which Judgment is reserved : NA

Date of Pronouncement of Judgment : **08.05.2026**

Whether the Pronouncement is of the : NA
Operative Part of the Judgment

Whether the Full Judgment has been : Yes
Pronounced

JUDGMENT & ORDER (ORAL)

Heard Mr. A Deka, the learned counsel appearing on behalf of the petitioner. Mr. G Bokolial, the learned Govt. Advocate, Assam appears on behalf of the respondents.

2. The case of the petitioner herein is that the petitioner is engaged in the business of providing vehicles on hire to various Government as well as private organisations across the State of Assam. The petitioner is a registered owner of the vehicles viz. Maruti Gypsy vehicle (AS-01-

BW-6550), GYPSY(AS-01-DH-2911), GYPSY(AS 01 BX 7433), Tata Sumo(AS 13 L 3679), Tata Sumo(AS 13 L 3823), Tata Sumo(AS 13 D 7606), INNOVA (AS-01-DT-3897) and Maruti Gypsy(AS 01 DQ 3408). The respondent authorities hired the above vehicles of the petitioner during the period from 2022 to 2024 on different dates at the rates fixed by the Respondent Authorities as per the Notification dated 06.02.2014 issued by the Transport Department, Government of Assam. Thereafter, the petitioner submitted the total hire charge bill along with the original hiring orders before the authorities for making payment of his dues amounting to Rs.65,22,040/-. However, the said amount has not been paid to the petitioner till date.

5. The learned counsel appearing on behalf of the petitioner submitted that the petitioner has been pursuing the matter delinquently with the respondents, but the respondent authorities have not shown any interest in making the payment of the admitted amount of Rs.65,22,040/-. due to the petitioner for which the petitioner is facing hardship. The learned counsel for the petitioner further submitted that the respondent authorities have failed to discharge their duty in accordance with law and the same has caused prejudice to the petitioner. Hence, the petitioner has approached this Court by filing the instant writ petition.

6. Mr. G Bokolial, the learned Government Advocate has placed before

this Court an affidavit-in-opposition filed by the respondent No.2. From a perusal of the said affidavit-in-opposition, more particularly at paragraph Nos.6 and 7 it is seen that the respondent authorities have admitted their liability of an amount of Rs.60,17,038/-. It is further stated that an amount of Rs.3,83,006/- had already been credited to the bank account of the petitioner and the proposal in respect of the remaining bills amounting to Rs.60,17,038/- has already been submitted before the authority and once FOC against these proposals received from the Government, further action would be taken to release the amount to the bank account of the petitioner. Paragraph Nos.6 and 7 of the said affidavit-in-opposition being relevant are reproduced herein under:-

“6. That with regard to the statements made in paragraph No. 5 of the writ petition the answering deponent begs to state that the petitioner has submitted 46 No's of bills claiming an amount of Rs. 65,22,040/- (Rupees Sixty-Five Lakhs Twenty-Two Thousand and Forty) only as outstanding dues.

The answering deponent further begs to state that as the petitioner has claimed huge amounts of outstanding dues on account of hiring of the above noted vehicles, the matter needs to be examined along with the available relevant records to ascertain the correctness of the claimed made in the instant writ petition. Accordingly, all the available records relating to receive of the petitioner's bills along with other bills and further follow up action taken into the matter relating petitioner's bills were examined and found as follows:-

(i) As per records 2 (two) bills out of the 46 No's of bills for the period of 01.09.2019 to 31.07.2019 and 01.08.2019 to 05.11.2019 amounting to Rs. 3,83,006/- has already been credited to the bank account of the petitioner.

(ii) Rest 44 No's of bills were checked and verified and found that petitioner has

claimed driver allowance per diem in few bills among the bills submitted, whereas records reveal that Govt. divers were provided from Police Reserve, Guwahati during absent period of the driver provided by the petitioner as per rule to drive the vehicles and in such circumstances the petitioner has claimed the driver allowance in those periods in few bills. As such driver allowance claimed by the petitioner were deducted from these bills after proper scrutiny. Therefore, an amount of Rs. 1,21,996/- have been deducted from these bills.

(iii) After necessary correction, all the 44 No's of bills amounting to Rs. 60,17,038/- have already been forwarded in 2 (two) proposals to the Assam Police Headquarter to accord approval of sanction. Considering all aspects of the matter as stated, now the petitioner is entitled to receive an amount of Rs. 60,17,038/-. The details of the proposal submitted to the sanctioning authority are as follows:

A. *Proposal No. 3200-3218 (RV) dated 29.11.2025 containing 19 (Nineteen) No's of hire charge bills amounting to Rs. 27,26,566/-.*

B. *Proposal No. 3219-3243 (RV) dated 29.11.2025 containing 25 (Twenty-Five) No's of hire charge bills amounting to Rs. 32,90,472/-.*

7. That with regard to the statements made in paragraph Nos. 6, 7, 8, 9 & 10 of the writ petition the answering deponent begs to state that it has already stated herein above regarding action taken against remaining 44 No's of hire charge bills. It is further stated that the matter related to the release of fund against the proposals amount always depend upon the Govt., which are yet to be received. Therefore, the statements of the petitioner regarding non-payment of admissible amount as stated in these paras of the writ petition are not correct. It is already admitted that an amount of Rs. 3,83,006/- against 2 (two) numbers of bills for the year 2019 has already been credited to the Bank Account of the petitioner, proposals in respect of remaining bills amounting to Rs. 60,17,038/- have already been submitted to the authority and once FOC against these proposals received from the Govt. action will be taken to credit the amounts to the Bank Account of the petitioner."

7. Upon perusal of the materials on record, and more particularly the paragraphs quoted hereinabove, it would be seen that the

respondents, therefore, admit that the petitioner is entitled to the remaining balance amount of Rs.60,17,038/-. Accordingly, the writ petition is disposed of with the following observations and directions:-

i) The petitioner is entitled to an amount of Rs.60,17,038/- as admitted by the respondents.

ii) The said amount of Rs.60,17,038/- be paid to the petitioner within a period of 6 (six) months from the date, a certified copy of the instant order is served upon the respondent No.3, i.e. the Director General of Police, Assam, Ulubari, Guwahati.

JUDGE

Comparing Assistant