

GAHC010199802024



2026:GAU-AS:6208

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

Case No. : WP(C)/5031/2024

M/S DIPAK ENTERPRISE
A PROPRIETORSHIP FIRM REPRESENTED BY ITS PROPRIETOR SMT.
RENUKA CHETRI, W/O- SRI DIPAK CHETRI, RESIDENT OF VILLAGE-
SHANTI NAGAR, WARD NO. 16, P.O. BALADMARI, P.O. AND DISTRICT-
GOALPARA, ASSAM, PIN- 783121

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, GOVT. OF
ASSAM, HOME DEPARTMENT, DISPUR, GUWAHATI- 781006, ASSAM

2:COMMISSIONER AND SECRETARY
GOVT. OF ASSAM
PLANNING AND DEVELOPMENT DEPARTMENT
DISPUR
GUWAHATI- 781006
ASSAM

3:THE COMMISSIONER AND SECRETARY
GOVT. OF ASSAM
DEPARTMENT OF FINANCE
DISPUR
GUWAHATI
PIN- 781006

4:THE DIRECTOR GENERAL OF POLICE
ASSAM
ULUBARI
GUWAHATI- 781007

5:THE INSPECTOR GENERAL OF POLICE (A)

ASSAM
ULUBARI
GUWAHATI
ASSAM
PIN- 781007

6:THE SUPERINTENDENT OF POLICE
GOALPARA
DIST.- GOALPARA
ASSAM
PIN- 78310

BEFORE

HON'BLE MR. JUSTICE DEVASHIS BARUAH

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

For the Respondent(s) : Mr. M. Chetia, Government Advocate
: Mr. P. Nayak, Addl. AG, Assam

- Date on which Judgment was reserved : N/A
- Date of Pronouncement of Judgment : **06.05.2026**
- Whether the pronouncement is of the Operative Part of the Judgment : No
- Whether the full Judgment has been Pronounced : Yes

JUDGMENT AND ORDER (ORAL)

Heard Mr. S. Upadhay, the learned counsel appearing on behalf of the Petitioner and Mr. M. Chetia, the learned Government Advocate appearing on behalf of the Respondent Nos.1, 2, 4, 5 and 6. I have also heard Mr. P. Nayak, the learned Additional Advocate General appearing on behalf of the Finance Department.

2. The case of the Petitioner herein is that the Petitioner is aggrieved by the inaction on the part of the Respondent Authorities in not making payment of the amount to which the Petitioner is entitled to.

3. The Petitioner herein is a registered contractor of the Assam Police for procurement of stores commonly required for official use and for carrying out minor repair/construction works valued at less than Rs. 5,00,000/- in the Assam Police Headquarters and various subordinate establishments thereunder.

4. The case of the Petitioner herein is that, pursuant to various Tender Notices all dated 09.02.2021, the Petitioner submitted bids for the works namely (a) construction of Assam Type Light Vehicle Garage at MT Branch, Police Reserve, Goalpara, for an amount of Rs. 4,73,598/-; (b) construction of Assam Type Heavy Vehicle Garage at MT Branch, Police Reserve, Goalpara, for an amount of Rs. 4,82,487/-; and (c) construction of Assam Type Store Room at the MT Branch, Police Reserve, Goalpara, for an amount of Rs. 4,06,087/-. The Respondent No. 6, upon considering the comparative statements of all the bidders in respect of the said works, found the rates quoted by the Petitioner to be the lowest and reasonable. Accordingly, the Petitioner, having been found

qualified for the said works, was issued three work orders dated 16.02.2021 by Respondent No. 6.

5. It is the further case of the Petitioner that, pursuant to the issuance of the work orders, the Petitioner completed the said works on 29.10.2022 to the full satisfaction of the concerned authorities. In that regard, Work Completion Certificates as well as Ex-Post Facto Administrative Approval for the said works were accorded by the competent authority. Thereafter, the Petitioner submitted the final bills amounting to Rs.4,73,598/-, Rs.4,82,487/- and Rs.4,06,087/- respectively for the aforesaid works before Respondent No. 6 on 30.10.2022.

6. The learned counsel for the Petitioner submitted that despite the lapse of almost 4 (four) years from the date of submission of the bills, the Respondent authorities have neither released nor paid the outstanding dues to the Petitioner. In that regard, the Petitioner had also submitted several representations before the Respondent Authorities from time to time seeking release of the aforesaid dues; however, the Respondent authorities have been sitting over the matter. Consequently, having no other alternative, the Petitioner has approached this Court by way of filing the present writ petition.

7. Mr. M. Chetia, the learned Government Advocate appearing on behalf of the Respondent Nos.1, 2, 4, 5 and 6 submitted that there is no denial to the fact that the works in question was issued to the Petitioner. The learned Government Advocate however, submitted that the entitlement of the Petitioner would depend upon verification to be carried out by the Respondent Authorities.

8. Upon perusal of the materials on record, this Court is of the opinion that if the Petitioner had completed the abovementioned works, the Petitioner would be entitled to the amount. However, for the same, verification on the part of the Respondent Authorities would be required.

9. This Court therefore disposes of the instant writ petition with the following observations and directions:-

(i) The Respondent Authorities shall verify as to whether the Petitioner had successfully executed the works, i.e. (a) construction of Assam Type Light Vehicle Garage at MT Branch Police Reserve, Goalpara; (b) construction of Assam Type Heavy Vehicle Garage at MT Branch Police Reserve, Goalpara; and (c) construction of Assam Type Store Room at MT Branch Police Reserve, Goalpara.

(ii) The Respondent Authorities shall also verify as to whether the

Petitioner had submitted the requisite documents which are required for the purpose of releasing the amount due as claimed by the Petitioner.

(iii) The Respondent Authorities shall also verify the entitlement of the Petitioner to the dues, and if upon verification in the manner stated above, it is found that the Petitioner is entitled to any such amount, the Respondent Authorities shall pay the same to the Petitioner.

(iv) The above exercise be completed within a period of 6 (six) months from the date a certified copy of the instant judgment is served upon the Respondent No.4, i.e. the Director General of Police, Assam.

JUDGE

Comparing Assistant