

GAHC010201882016



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

**Case No. : Cont.Cas(C) 57/2016**

1:J.K.B. ENTERPRISE  
FORMARLY A PARTNERSHIP FIRM, PRESENTLY A PROPRIETORIAL  
CONCERN, HAVING ITS OFFICE AT A.T. ROAD, DIBRUGARH, REP. BY ITS  
PROPRIETOR SRI KUSH KUMAR YADAV, S/O LT. JOYGOBIND YADAV, R/O  
KHALIHAMARI, DIBRUGARH, ASSAM

VERSUS

1:JYOTY NARAIN SHARMA and ORS  
SECY. TO THE GOVT. OF ASSAM, PWD DEPTT., DISPUR, GUWAHATI

2:K C HAZARIKA  
CHIEF ENGINEER  
PWD ROADS  
CHANDMARI  
GUWAHATI

3:RAJ KAMAL DUTTA  
ADDL. CHIEF ENGINEER  
PWD ROADS  
CHANDMARI  
GUWAHATI

4:KAMLESWAR DEKA  
THE EXECUTIVE ENGINEER  
PWD DIBRUGARH ROADS DIVISION  
DIBRUGARH

5:SRI AJIT KAKOTI  
SECRETARY TO THE GOVERNMENT OF ASSAM  
PWD DEPARTMENT  
DISPUR  
ASSAM.

6:SHRI DIBYAJYOTI SAHARIA  
THE CHIEF ENGINEER  
PWD  
ROADS CHANDMARI  
GUWAHATI  
ASSAM

**Advocate for the Petitioner** : MR.A CHETIA

**Advocate for the Respondent** : MR. T C CHUTIA (R6)

**BEFORE**  
**HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

**ORDER**

**Date : 31-05-2019**

Heard Mr. P. Deka, learned counsel for the petitioner and Mr. B.K. Gogoi, learned counsel appearing for respondent no. 6.

Learned counsel for respondent no. 6 prays for further 4 weeks' time to obtain instructions as regards the matter of releasing of the admitted dues of the petitioner amounting to Rs. 15,81,678/-. It is seen that by the order dated 30.08.2012 in WP(C) 1651/2011, this Court had directed the respondent herein to ensure payment as per chronological order in accordance with the ratio of the Full Bench decision in *Tamsher Ali & Others v. State of Assam reported in 2008 (4) GLT 1*.

Accordingly, the respondent No.6 is directed to place before this Court the entire records of all bills submitted to his establishment in accordance with chronological order of the date of submission of such bills. The respondent No.6 shall also produce the entire records of all payments made by the Office of the Chief Engineer, PWD in chronological order of date, irrespective of the Head of Account under which such payments were made. The respondent no. 6 is required to produce such records in chronological order of date of receipt and payment on and from 01.04.1998 till 31.05.2019 so as to enable this Court to verify if the decision rendered in the case of Tamsher Ali (supra) in being scrupulously followed or not as indicated in the order dated 30.08.2012 in WP(C) 1651/2011.

Let a copy of this order be provided to Mr. B.K. Gogoi, the learned counsel for respondent no. 6.

List the matter on 22.07.2019.

**JUDGE**

**Comparing Assistant**