

GAHC010207572025



2026:GAU-AS:5830

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

Case No. : WP(C)/5550/2025

GREEN VALLEY RURAL DEVELOPMENT SOCIETY (NGO)
REPRESENTED BY ITS PRESIDENT SRI MANOJ RAJBONGSHI, AGED 52
YEARS, S/O- LATE RAJESWAR RAJBONGSHI, R/O-VILL AND P.O.-
KATHALBARI, P.S.-NALBARI, DIST.-NALBARI, ASSAM,

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE SPECIAL CHIEF SECRETARY TO THE
GOVERNMENT OF ASSAM, PUBLIC HEALTH ENGINEERING DEPARTMENT,
DISPUR, GUWAHATI-6.

2:THE SECRETARY TO THE GOVT OF ASSAM AND MISSION DIRECTOR
JAL JEEVAN MISSION
ASSAM
PUBLIC HEALTH ENGINEERING DEPARTMENT
DISPUR
GUWAHATI-6.

3:THE CHIEF ENGINEER (PHE)
SANITATION
ASSAM
HENGRABARI
GUWAHATI-36.

4:THE CHAIRMAN DWSC-CUM- DEPUTY COMMISSIONER
DISTRICT- NALBARI
ASSAM
PIN-781335.

5:THE MEMBER SECRETARY DWSC-CUM- EXECUTIVE ENGINEER (PHE)
NALBARI DIVISION

PIN-781335.

6:THE MEMBER SECRETARY GPWSC-CUM -ASSTT JR ENGINEER (PHE)
NALBARI (PHE) DIVISION
PIN- 781335

7:THE CHAIRMAN
GPWSC-CUM-GP PRESIDENT OF 38 NO. PACHIM NATUN DEHAR GAON
PANCHAYAT
PIN- 781310.

8:THE TREASURER DWSC-CUM-ACCOUNTS OFFICER
NALBARI (PHE)
DIVISION
PIN- 781335

Advocate for the petitioner(s): Mr. SC Das

Advocate for the respondent(s): Mr. D Gogoi Standing Counsel
PHE Department

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH

ORDER

27.04.2026

Heard Mr. SC Das, the learned counsel appearing on behalf of the petitioner and Mr. D Gogoi, the learned Standing counsel, PHE appearing on behalf of the respondent Nos. 1, 2, 3, 5, 6, 7 and 8. I have also heard Ms. U. Das, the learned Additional Senior Government Advocate appearing on behalf of the respondent No.4.

2. The instant writ petition has been filed by the petitioner challenging the non-payment of the contractual bill amounting to Rs.9,08,103/- upon completion of the works allotted to him "*for construction of 83 Nos. of I.H.H.L. (Individual Household Latrine) for NEHH (New Emerging Household) under the*

Swachh Bharat Mission-Gramin, Phase-II Nalbari DWSC under 38 No. Pachim Natun Dehar Gaon Panchayat, under Madhupur Development Block, Kathalbari”.

3. The learned counsel for the petitioner submitted that the petitioner successfully executed the aforesaid work and thereafter, submitted the bill against the work amounting to Rs.9,08,103/- before the respondent authorities. However, the said amount is still due to be paid to the petitioner.

4. It is the further case of the petitioner that the bills are still pending due to the non-entry of the beneficiaries' names in the IMIS portal. Consequently, the amount of Rs. 9,08,103/- remains unpaid, for which, the petitioner has approached this Court under Article 226 of the Constitution of India.

5. The learned counsel appearing on behalf of the petitioner submitted that although there was a fault on the part of the respondents in not entering the beneficiaries names in the IMIS Portal, for which the petitioner is suffering since the petitioner has invested huge amount for the work in question. The petitioner has started the work upon administrative approval and the work was carried out as per the plan and estimate under the supervision of the respondent authorities. However, the respondent authorities have failed to release the amount due to the petitioner till date.

6. It was further submitted that the petitioner approached the respondent authorities on several occasions, but no heed was paid to his request. It is under such circumstances, the petitioner has approached this Court by filing the present writ petition.

7. Mr. D Gogoi, the learned Standing Counsel, PHE submitted that there is no denial to the fact that the work in question was issued to the petitioner. The learned Standing Counsel, 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 above-mentioned work, 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 work, i.e. *"for construction of 83 Nos. of I.H.H.L. (Individual Household Latrine) for NEHH (New Emerging Household) under the Swachh Bharat Mission-Gramin, Phase-II Nalbari DWSC under 38 No. Pachim Natun Dehar Gaon Panchayat, under Madhupur Development Block, Kathalbari"*.

(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 order is served upon the respondent No.3, i.e. the Chief Engineer (PHE), Sanitation, Assam.

JUDGE

Comparing Assistant