

GAHC010212062025



2026:GAU-AS:5900

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

Case No. : WP(C)/5527/2025

RAVI BROTHERS
SHIVA COMMERCIAL COMPLEX, 2ND FLOOR, B BLOCK, RUPNAGAR PATH
(ASEB/ASTC ROAD)GS ROAD
ULUBARI, GUWAHATI-781007, REPRESENTED BY ONE OF ITS PARTNERS,
SHRI RAHUL GUPTA
S/O RAVINDRA NATH GUPTA, R/O VATIKA, KHARGULI, GUWAHATI-781004.

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REP BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM,
IRRIGATION DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE CHIEF ENGINEER

IRRIGATION DEPARTMENT
GOVT. OF ASSAM
CHANDMARI
GUWAHATI-781003.

3:THE ADDITIONAL CHIEF ENGINEER (MECH)
IRRIGATION DEPARTMENT

GOVT.OF ASSAM
CHANDMARI
GUWAHATI-781003.

4:THE EXECUTIVE ENGINEER

GUWHATI MECHANICAL DIVISION
IRRIGATION DEPARTMENT
GOVT. OF ASSAM

GUWAHATI
ASSAM-781003

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

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

For the Respondent(s) : Mr. N. Upadhay, SC, Irrigation

Date on which judgment is reserved : NA

Date of pronouncement of judgment : 29.04.2026

Whether the pronouncement is of the
Operative part of the judgment? : NA

Whether the full judgment has been
Pronounced? : Yes

JUDGMENT AND ORDER (ORAL)

Heard Mr. S. Biswakarma, the learned counsel appearing on behalf of the Petitioner. Mr. N. Upadhay, the learned counsel appears on behalf of the Irrigation Department, Government of Assam.

2. The instant writ petition is filed by the Petitioner challenging the non-payment of the admitted balance amount of Rs.1,78,976/- for supply of 13 Nos. of pump sets for Construction of Baharghat & Mahtoli Irrigation Scheme AIBP for the year

2009-10 for an amount of Rs.18,97,896/-.

3. The case of the Petitioner herein is that the Petitioner is a registered partnership firm. The Additional Chief Engineer (Mech.), Irrigation, Assam i.e. the Respondent No.3 issued a supply order dated 29.03.2012 in favour of the Petitioner firm for supply of 13 Nos. of pump sets for Construction of Baharghat & Mahtoli Irrigation Scheme AIBP for the year 2009-10 for an amount of Rs.18,97,896/-. It is the case of the Petitioner that the delivery of the pump sets was done on 07.06.2012, 11.06.2012 and 18.06.2012 and bill amounting to Rs.18,97,896/- was raised by the Petitioner on 27.06.2012. It is the further case of the Petitioner that the respondents admitted the bill amount and made part payments of Rs.5,17,395.00 vide Cheque No.0934339 dated 05.11.2013; Rs.7,22,349/- vide SBI Cheque No.157912 dated 08.04.2014 and Rs.3,34,815/- vide Cheque No.1411830 dated 29.03.2021. But the balance amount of Rs.1,78,976/- has not yet been paid to the Petitioner till date. Hence the writ petition.

4. Mr. N. Upadhyay, the learned Standing Counsel of the Irrigation Department has produced a communication dated 09.12.2025 issued by the Executive Engineer, Dholai-Sonail Division, Irrigation, Dholai which is kept on record and marked with the letter "X".

5. The learned Standing Counsel appearing on behalf of the Irrigation Department submitted that as to whether the Petitioner had completed the work in terms with the work order in question and whether the certificate issued that the Petitioner is entitled to the amount claimed is subject to further verification which needs to be carried out by the Respondent Authorities and it is only on the basis of such verification, the actual entitlement of the Petitioner could be ascertained.

6. Upon hearing the learned counsels for the parties, this Court is of the opinion that the interest of justice would be met if a direction is given to the Respondent Authorities to verify as to whether the Petitioner has completed the construction work in accordance with the work order mentioned hereinabove and thereupon to ascertain the exact amount to which the Petitioner is entitled to, if any.

7. It is under such circumstances, this Court therefore disposes of the instant writ petition thereby directing the Respondent Authorities more particularly the respondent Nos.1, 2 & 3 to verify the entitlement of the Petitioner on the basis of the work order which was issued in favour of the Petitioner and as to whether the Petitioner has completed the work to the extent certified in question and thereupon, after verification if it is found that the Petitioner is entitled to any amount, the same should be

paid to the petitioner in terms with the judgment of the Full Bench of this Court in the case of ***Tamsher Ali and Others Vs. State of Assam and Others***, reported in ***2008 (4) GLT 1***. The said verification be completed within a period of 1 (one) month from the date a certified copy of the instant order is served upon the Respondent No.2 and the payment thereupon be made in terms with the judgment rendered in the case of ***Tamsher Ali***(supra).

8. With the above observations and directions, the instant writ petition stands disposed of.

JUDGE

Comparing Assistant