

GAHC010226442018



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

Case No. : WP(C)/7111/2018

NIKHIL BAIDYA

S/O- LATE NARESH BAIDYA, R/O- STATION ROAD, SILAPATHAR, P.S-
SILAPATHAR, P.O- SILAPATHAR, DIST- DHEMAJI, ASSAM, PIN-

VERSUS

THE UNION OF INDIA AND 3 ORS
THROUGH THE MIN OF DEFENCE, NEW DELHI

2:THE BRIGADIER
63 ENGINEER REGIMENT
REYIANG
DHEMAJI
ASSAM
REGIMENT (BENG)
APS CIRCLE
PIN- 914063
C/O- 99 APO

3:THE LIEUTENANT COLONEL
63 ENGINEER REGIMENT

REYIANG
DHEMAJI
ASSAM
REGIMENT (BENG) APS CIRCLE
PIN- 9104063
C/O- 99 APO

4:THE OC
282 FD COY
TUTING UNDER 63 ENGINEER REGIMENT

REYIANG
DHEMAJI
ASSAM
REGIMENT (BENG)
APS CIRCLE
PIN- 914063
C/O- 99 AP

Advocate for the Petitioner : MR B SARKAR, MS. P BASFORE,MR. A K PURKAYASTHA

Advocate for the Respondent : ASSTT.S.G.I., MR. S S ROY (CGC)

BEFORE
HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR
ORDER

12/02/2026

Heard Mr. A K Purkayastha, learned counsel for the petitioner and Mr. S Borthakur, learned counsel representing Mr. S S Roy, learned CGC appearing for the respondents.

2. The petitioner in the present proceedings has prayed for a direction upon the respondent authorities to release his contractual dues amounting to Rs.2,40,000/- (Rupees Two Lakhs Forty Thousand).

3. It is projected by the petitioner in the writ petition that he had carried out works for the respondents, more particularly, the respondent No. 3 and the total bill amount was around Rs.5,40,000/- (Five Lakhs Forty Thousand). The petitioner further contends that an amount of Rs.3,00,000/- (Rupees Three Laksh) was released by the respondent authorities. However, in view of the fact that the petitioner at the relevant point of time did not have bank account, the said amount was deposited in the account of his brother, Chandan Baidya. The balance amount of Rs.2,40,000/- (Rupees Two Lakhs Forty Thousand) not being released, the petitioner has instituted the present proceedings.

4. On the last date of listing, Mr. S S Roy, learned CGC had placed on record a written instruction received by him in the matter, wherein, the concerned authority had contended

that there was no contract entered into with the petitioner by the respondents, more particularly, the respondent No. 3.

5. It was further projected that the contention of the petitioner of an amount of Rs.3,00,000/- (Rupees Three Lakhs) being transferred from the Unit fund to the fund of his brother is perverse, inasmuch as, the account demonstrated by the petitioner in the writ petition is not the account from wherein, the transactions are carried out by the Unit concerned.

6. Today, Mr. S Borthakur, learned counsel representing Mr. S S Roy, learned CGC, has furnished a copy of the said communication to Mr. A K Purkayastha, learned counsel for the petitioner.

7. Mr. A K Purkayastha, learned counsel for the petitioner submits that he be granted a week's time to receive instructions from his client with regard to the contentions raised by the respondents.

8. Accordingly, Registry to list this matter again on **26.02.2026**.

JUDGE

Comparing Assistant