

GAHC010255862023



2026:GAU-AS:5429

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

Case No. : WP(C)/7181/2023

M/S R N JHA AND 2 ORS
A PARTNERSHIP FIRM, REPRESENTED BY ITS PARTNER SHRI RAMANAND
JHA, BIHAT, RATAN CHOWK, P.S.-BARUNI, DIST-BEGUSARAI, BIHAR-
851126

2: RAMANAND JHA
(PARTNER OF PETITIONER NO. 1)
S/O LATE NIRASH JHA
R/O BIHAT
RATAN CHOWK
P.S.-BARUNI
DIST-BEGUSARAI
BIHAR-851126

3: LALAN KR. JHA
(PARTNER OF PETITIONER NO. 1)
S/O SHRI RAMANAND JHA
R/O BIHAT
RATAN CHOWK
P.S.-BARUNI
DIST-BEGUSARAI
BIHAR-85112

VERSUS

THE UNION OF INDIA AND 2 ORS
REPRESENTED BY THE GENERAL MANAGER, N. F. RAILWAY, MALIGAON,
GUWAHATI-781011

2: THE DIVISIONAL RAILWAY MANAGER
N.F. RAILWAY
KATIHAR
PIN NO. 854105
BIHAR

3:THE SR. DIVISIONAL ENGINEER-IV
N.F. RAILWAY
KATIHAR
PIN NO. 854105
BIHA

Advocate for the petitioner(s): Mr. R Hussain

Advocate for the respondent(s): Mr. K Gogoi, CGC

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

ORDER

20.04.2026

Heard Mr. R Hussain, the learned counsel appearing on behalf of the petitioners. Mr. K Gogoi, the learned CGC appears on behalf of the respondent Nos.1, 2 and 3.

2. The petitioners herein has approached this Court seeking a direction upon the respondents for payment of the final bill amounting to Rs.8,42,284/- as well as the earnest money amounting to Rs.3,94,970/- along with interest @ 18% per annum.

3. The brief facts which led to the filing of the instant writ petition are that a tender notice was issued dated 05.07.2018 for performance of work at Katihar for provision of washable aprons for platform Nos. 4 and 5. The petitioners participated in pursuance to the said tender and the petitioners' tender was

accepted at a total cost of Rs.4,63,04,844.31/-. A contract in that regard was also entered into by and between the petitioners and the respondents on 06.08.2019 and the period of completion of the work was fixed on or before 13.05.2019. It is the further case of the petitioners that though the contract agreement was entered into on 06.08.2019, but the letter of acceptance was issued on 14.09.2018 and the petitioners mobilized their resources upon receipt of the letter of acceptance. It is pertinent to mention that the petitioners did not enclose the letter of acceptance.

4. It is the further case of the petitioners that the contract expired on 13.05.2019 and the petitioners made requests for granting extension of time to complete the work, but no extension was granted. It is the case of the petitioners that the petitioners had submitted the final bill of an amount of Rs.8,42,284/-. The said amount, however, have not been paid and the petitioners' earnest money deposit of Rs.3,94,970/- was also not paid. The petitioners thereupon submitted a demand letter dated 21.05.2023 and the same having not been considered, the petitioners approached this Court by filing the instant writ petition on 08.11.2023.

5. Though this Court issued notice on 13.12.2023, no affidavit-in-opposition, however, has been filed by the respondents inspite of various opportunities being granted.

6. This Court duly takes note of the documents which have been enclosed to the writ petition. It is the specific case of the petitioners as could be seen from the documents that the date of completion of the work was on 13.05.2019 and the petitioners could not complete the said work, and in the year 2021, more particularly, on 11.10.2021, the petitioners sought for extension by 15 days for completion of the work.

7. It further surprises this Court that the petitioners after 5 years from the date of submission of the final bill of work i.e. 29.11.2018 of an amount of Rs.8,42,284/- submitted a representation in the year 2023, and immediately thereupon approached this Court by filing the present writ petition.

8. The materials on record which have been placed before this Court do not inspire the confidence of this Court for granting any relief in the instant proceedings as the materials which have been placed are bereft of material particulars, which would *prima facie* even show that the petitioners have been able to make out a case as regards the claims so made in the instant proceedings.

9. Consequently this Court is not inclined to exercise its extraordinary jurisdiction in the facts and circumstances of the instant case. Accordingly, the writ petition stands dismissed.

10. Before parting with the records, this Court, however, observes that the dismissal of the instant writ petition shall not preclude the petitioners to approach the competent Court of Civil Jurisdiction, if so advised, seeking the reliefs as has been sought for in the instant writ petition.

JUDGE

Comparing Assistant