

GAHC010285302025



2026:GAU-AS:6074

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

Case No. : WP(C)/151/2026

M/S M.P. AGARWALLA AND ANR
REPRESENTED BY SRI VENUS AGARWALLA, S/O- SRI BINOD KUMAR
AGARWALLA, AGED ABOUT 42 YEARS, HAVING REGISTERED OFFICE AT
WARD NO 2, A T ROAD BOKAKHAT TOWN, P.O. BOKAKHAT, P.S.
BOKAKHAT, DIST GOLAGHAT, ASSAM, PIN- 785612

2: SRI VENUS AGARWALLA
S/O- SRI BINOD KUMAR AGAWALLA
AGED ABOUT 42 YEARS
ONE OF THE PARTNER OF M/S M.P. AGARWALLA
R/O WARD NO. 2
A T ROAD BOKAKHAT TOWN
P.O. BOKAKHAT
P.S.- BOKAKHAT
DIST GOLAGHAT
ASSAM
PIN 78561

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, IRRIGATION DEPARTMENT, ASSAM SECRETARIAT, DISPUR,
GUWAHATI- 781006

2: THE CHIEF ENGINEER
IRRIGATION
ASSAM
CHANDMARI
GUWAHATI 781003

3: THE SUPERINTENDING ENGINEER
JORHAT CIRCLE (IRRIGATION)
JORHAT

DIST. JORHAT
ASSAM
PIN- 785001

4:THE EXECUTIVE ENGINEER
BOKAKHAT KHUMTAI-DERGAON DIVISION (IRRIGATION)
BOKAKHAT
DIST. GOLAGHAT
ASSAM
PIN 785612

5:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
DEPARTMENT OF FINANCE
ASSAM CIVIL SECRETARIAT
DISPUR
GUWAHATI- 78100

Advocate for the petitioner(s): Mr. S Sutradhar

Advocate for the respondent(s): Mr. N Upadhyay, Standing Counsel,
Irrigation Department

B E F O R E

HON'BLE MR. JUSTICE DEVASHIS BARUAH

ORDER

04.05.2026

Heard Mr. S Sutradhar, the learned counsel appearing on behalf of the petitioners. Mr. N Upadhyay, the learned counsel, who appears on behalf of the Irrigation Department.

2. The case of the petitioner herein is that the petitioner had executed a contract-work awarded vide No.JC(I)/Tech/ORD/NABARD/2023/1981 dated

18.07.2023 by the Superintending Engineer, Jorhat Circle (Irrigation), Jorhat for the work of *"MDTWS (5 points) at Rangamati Mouza under RIDF-XXVIII NABARD for the year 2022-23 under Bokakhat Khumtai Division (Irrigation) Bokakhat"*.

3. It is the further case of the petitioner that after completion of the allotted work by the petitioner, the Executive Engineer, Bokakhat-Khumtai-Dergaon Division (Irrigation) along with the Assistant Executive Engineer, Bokakhat Sub-Division (Irrigation) visited the site of work physically and accordingly the Executive Engineer, Bokakhat-Khumtai-Dergaon Division (Irrigation) issued the Completion Report with an outstanding admitted bills of an amount of Rs.1,36,51,634/-. The learned counsel for the petitioner submitted that the respondent No.4 thereafter vide his letter dated 08.09.2025 submitted a proposal before the respondent No.2 for demand of fund amounting to Rs.1,36,51,634/-. However, the said amount inspite of being admitted by the respondent authorities has not been paid to the petitioner till date. Finding no other alternative, the petitioner has approached this Court by filing the present writ petition.

4. Mr. N Upadhyay, the learned counsel appearing on behalf of the Irrigation Department submits that as to whether the petitioner has executed the contract work in question is a subject matter of 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.

5. Upon hearing the learned counsels appearing on behalf of 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 executed the contract work in accordance with the work order mentioned

hereinabove and thereupon to ascertain the amount to which the petitioner is entitled to.

6. It is under such circumstances, this Court, therefore, disposes of the instant writ petition thereby directing the respondent authorities, more particularly, the respondent No. 2 to verify the entitlement of the petitioner on the basis of the work order which were issued in favour of the petitioner and as to whether the petitioner has successfully executed the contract work in question and thereupon, after verification, if it is found that the petitioner is entitled to any amount, the same 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 i.e. the Chief Engineer, Irrigation, Assam, Guwahati and the payment thereupon be made in terms with the judgment rendered in the case of ***Tamsher Ali (supra).***

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

JUDGE

Comparing Assistant