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

Case No. : WP(C)/7451/2023

JITEN BORUAH
S/O LATE PITARAM BORUAH, R/O VILL-SARUBHAGIA, P.O.-JAKHALA
BANDHA, P.S.-JAKHALA BANDHA, DIST-NAGAON, ASSAM, PIN-782136

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, WATER RESOURCE DEPARTMENT, DISPUR,
GUWAHATI-781006

2:THE CHIEF ENGINEER
WATER RESOURCE DEPARTMENT
CHANDMARI
GUWAHATI
PIN-781003

3:THE SUPERINTENDING ENGINEER
NAGAON AND MORIGAON WATER RESOURCE CIRCLE
R K B ROAD
HAIBARGAON
DIST-NAGAON
PIN-782001

4:THE EXECUTIVE ENGINEER
MORIGAON WATER RESOURCE DIVISION
MORIGAON
DIST-MORIGAON
PIN-782105

5:UNION OF INDIA
REPRESENTED BY COMMISSIONER

MINISTRY OF JAL SHAKTI
DEPARTMENT OF WATER RESOURCES RURAL DEVELOPMENT AND
GANGA REJUVENATION
6 FLOOR CABIN SHRAM SHAKTI BHAWAN
RAFI MARG
NEW DELHI-110001

6:THE BRAHMAPUTRA BOARD ASSAM
REPRESENTED BY ITS CHAIRMAN GUWAHATI

Advocate for the Petitioner : MR. T DEURI, MR. M MAHANTA

Advocate for the Respondent : SC, WATER RESOURCE, C.G.C.,MRS. A GAYAN

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : --25.02.2026

Heard Mr. T. Deuri, learned counsel for the petitioner; Ms. P. Chakraborty, learned Standing Counsel, Water Resources Department; and Ms. A. Gayan, learned Central Government Counsel for the respondent nos. 5 & 6.

2. The petitioner has approached this Court by the instant writ petition stating inter-alia that he had executed the Contract-Work granted to him vide Work Order no. MGWRD/W-275/Pt- V/2012-13/214-268 dated 15.09.2012. After executing the Contract-Works, he submitted bills for a total amount of Rs. 92,606/-. Out of the total bill amount, he was paid only Rs. 2,800/-. According to the petitioner, the petitioner has not received the remaining amount of Rs. 89,806/-.

3. In the affidavit-in-opposition filed by the respondent nos. 6 & 7, it is stated that the projects for Flood Management and Control are formulated and implemented by respective State Governments from their own resources and as per their priority. The Central Government has provided financial assistance to States for implementing some projects in critical areas. The Central Government has been providing financial assistance through a Scheme named Flood Management Programme [FMP] since XI th Plan. It has been averred

that for the project, 'R/S to T/dyke along both banks of Kopili River from Charaihagi to Tuklaitup [L/B], Basundhari to Killing-Kopili Junction [L/B] and Chaparmukh to Ahatguri Amsoi P.W.D. Road [R/B], including anti-erosion measures at different reaches, Assam [AS-103]' of which the Work-Order was part, the estimated cost was 110.62 Crores. And out of it, the Central share was 35.05 Crores. As per physical completion, the Central share would be 30.462 Crores and the Central Government has already sanctioned the entire amount of Rs. 30.462 Crores before 17.11.2025.

4. It is further asserted that the submission of bills for release of Central assistance rest with the State Government while the role of the Central Government is limited to examination, approval and realization of such bills as and when submitted. Accordingly, in the case in hand, the responsibility for payment of Rs. 89,806/- to the petitioner lies with the Government of Assam.

5. The respondents were put on notice as far back as on 30.10.2024. About one and half years have elapsed. Yet, the respondent authorities in the Water Resources Department have neither placed any instruction before this Court nor filed any counter affidavit. As a result, the matter has not progressed much.

6. List the case on 25.03.2026 to enable the respondent authorities in the Water Resources Department to file the counter affidavit without fail, with a further observation that in the event no counter affidavit is filed, then the claim of the petitioner to the extent of Rs. 89,806/- would be treated as an admitted liability on the doctrine of non-traverse.

JUDGE

Comparing Assistant