

GAHC020001222024



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

Case No. : WP(C)/41/2024

M/S H. PUJOK AND SONS
BEARING NCSU REGD. NO. 1219AND NPWD REGD. NO. 338
REPRESENTED BY ITS PROPRIETOR SHRI. H. PUJOK KONYAK
S/O HONGNAO
P/R OF MON, NAGALAND

VERSUS

THE STATE OF NAGALAND AND 5 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF NAGALAND
2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF
NAGALAND
TOURISM DEPT. NAGALAND KOHIMA

3:THE DIRECTOR
DIRECTORATE OF TOURISM
NAGALAND KOHIMA

4:THE ADDITIONAL DIRECTOR (CSS)
DIRECTORATE OF TOURISM
NAGALAND KOHIMA

5:THE EXECUTIVE ENGINEER
TOURISM DEPT. NAGALAND KOHIMA

6:THE FINANCE COMMISSIONER
FINANCE DEPT. NAGALAND KOHIM

Advocate for the Petitioner : SENTIYANGER, CHUBA IMCHEN,V ANNE
THERIE,KONLI BUCHEM,ALEM WAPANG AO

Advocate for the Respondent : GOVT ADV NL,

**BEFORE
HON'BLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

04.12.2024

Heard Mr. Sentiyaenger, learned counsel for the petitioner and Mr. M. Longkumer, learned State Counsel representing Mr. Moa Imchen, learned State Counsel for all the respondents.

2. The petitioner herein was awarded a contract-work, 'Construction of Cafeteria at Jakphang' ['the Contract-Work', for short] vide a Work Order no. TOUR/ENGG-631/2013-14 dated 10.02.2014 [Annexure-2] and the value of the Contract-Work was Rs. 31.88 lakhs. According to the petitioner, the Contract-Work was successfully executed and the technical officials carried out the verification. It is the contention of the petitioner that the Cafeteria at Jakphang was also formally inaugurated on 18.10.2017. Yet, the respondent authorities have not issued the completion certificate though they had disbursed part payment to the extent of Rs. 11,06,111/- till date to the petitioner. As a result, the petitioner is yet to receive the remaining amount of Rs. 20,81,889/- and the same has caused severe financial hardship to the petitioner.

3. In response to the writ petition, the State respondents have filed a counter affidavit stating inter-alia that the project of construction of Cafeteria at Jakphan was a centrally sponsored scheme and during verification, it was found that the petitioner did not complete the Contract-Work as per the specifications issued by the Department. It is further averred that the Ministry of Tourism, Government of India had released only 20% of the amount during 2013-2014 and thereafter, the Ministry of Tourism, Government of India stopped funding for the project.

4. From the rival contentions of the parties, it emerges that there is not yet

any admission of liability for the remaining amount of Rs. 20,81,889/-.

5. Mr. Sentiyaenger, learned counsel for the petitioner has submitted that the petitioner is agreeable to enter into a discussion for an amicable settlement as regards his claim for the remaining amount of Rs. 20,81,889/-.

6. Mr. Imchen, learned State Counsel shall obtain instructions as regards the petitioner's intend to discuss the matter for the remaining amount by an amicable settlement.

7. Let the case be listed again on 06.12.2024 in order to enable Mr. Imchen to obtain necessary instructions.

Sd/-

JUDGE

Comparing Assistant