

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 1 of 2025

Date of Order: 21.07.2025

M/s Asa Enterprise

Vs.

Union of India & 3 Ors.

Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner/Appellant(s) :

Mr. S. Chanda, Adv.

Mr. S. Khyriem, Adv.

For the Respondent(s) :

Dr. N. Mozika, DSGI with

Ms. M. Myrchiang, Adv.

1. The writ petitioner being aggrieved with the non-release of payment by the respondents for repair of leakage/seepage of Type-II Quarter (10 Block/14 nos. of Quarters) at North Eastern Police Academy is before this Court praying for appropriate directions.

2. Mr. S. Chanda, learned counsel appearing for the petitioner has taken this Court to the documents annexed, which show that in the 1st inspection

of the Board Proceedings conducted on 09.05.2023, after the work had been completed by the officers of the North Eastern Police Academy, the work was found satisfactory. However, he submits thereafter, subsequent developments took place, whereby, the writ petitioner was requested to undertake rectification work on account of the work being unsatisfactory. It is submitted that it is not disputed that the writ petitioner has executed the work, but however, the respondents for reasons best known to them have not released the bills, though sanction had already been accorded as far back as on 10.05.2023, after the initial Board Proceedings dated 09.05.2023. He therefore prays that appropriate directions be issued for release of the payment.

3. Dr. N. Mozika, learned DSGI appearing for the respondents has however submitted that the non-release of the payment was on account of unsatisfactory work, which had been conducted by the writ petitioner and even though request has been made to the writ petitioner for a suitable rectification, the same has not been carried out. He submits that in view of this situation, the payment has been withheld.

4. This Court has noted the submissions of the counsels for the parties, and also the materials that has been placed in support of their respective cases. It is seen from the records itself that in the initial Board Proceedings dated 09.05.2023, the respondents had certified that the work was

satisfactory, whereafter a sanction for payment was made and request for payment was released. However, it is seen by another letter dated 15.06.2023, the writ petitioner was asked to rectify certain works, which was accordingly carried out, and the same was informed vide letter dated 26.06.2023. However, in the subsequent Board Proceedings dated 18.07.2023, it was found that the work was unsatisfactory and rectification was again requested on 21.07.2023, which was complied with by the writ petitioner on 24.07.2023.

5. From the sequence of events, what is apparent is that the work had been carried out for repair of leakage and seepage, as per the terms of the NIT. However, it is also apparent that the respondents not being satisfied with the quality of the work had withheld the payment, and these findings were based on the inspection carried out in the Board Proceedings.

6. It is important to note herein that the writ petitioner was never part of the Board Proceedings or was present, when the inspection was carried out, for which in all fairness it have been a part of. This factor is crucial, inasmuch as, the writ petitioner appears has not been given any opportunity to present his case, or to show to the respondents the manner and the amount of work that has been executed and also the rectification that has also been carried out.

7. Dr. N. Mozika, learned DSGI, on this observations of the Court prays that he may be allowed to obtain necessary instructions, and that the matter be adjourned to two weeks.

8. Prayer is allowed.

9. However, it is expected that in the meanwhile, the respondents will come up with a concrete solution, as to how the matter can be resolved finally.

10. List this matter on 11th August, 2025.

Judge

Meghalaya
21.07.2025
"D.Thabab-PS"