

WP(C) 1065/2008

BEFORE

HON'BLE MR JUSTICE HRISHIKESH ROY

Heard Mr. M K Choudhury, learned senior counsel appearing for the petitioner. Also heard Ms. H M Phukan, learned Govt. Advocate representing the Social Welfare Department and Mr. B Gogoi, learned standing counsel appearing for the Finance Department.

The petitioner has been awarded contract for construction of 925 Anganwadi Centers throughout the State. The present petition has been filed seeking appropriate directions for extension of time for completion of the entire works of construction of all the Anganwadi Centers and it is contended that delay in commencing and completion of construction has occurred on account of non-delivery of sites for construction by the respondent Department. The further prayer made in the instant writ petition is for an appropriate direction for payment for the works already completed.

Mr. M K Choudhury, learned senior counsel submits that out of 925 Anganwadi Centers, payments in respect of 473 centers have already been received after completion of work and work is in progress in 274 centers.

The learned counsel refers to the averments made in Para 18 of the counter affidavit filed on behalf of the respondent No.5 which indicates that bills for payment due to the petitioner for construction of 90 Anganwadi Centers are under process.

The learned Govt. Advocate in the meantime has received instructions indicating that the time for completion of work has been extended up to 31.12.2008. Since it is admitted in the counter affidavit that the works could not be completed due to non-availability of land, where the centers were to be constructed.

In view of above, this writ petition is ordered to be closed as the relief sought by the petitioner with regard to extension of time for completion of work has already been granted. As regards the further claim of the petitioner for receiving payment for the works done, the counter affidavit clearly indicates that bills are being processed and once the requisite formalities are over, payments are likely to be made.

In view of above, this writ petition is closed by permitting the petitioner to execute the works in terms of the contract awarded to him within the extended time till 31.12.2008. Naturally the petitioner would be entitled to bills for such works as per the terms and conditions of such contract.