

GAHC010013672021



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

Case No. : WP(C)/1921/2021

SAKIR KHAN
S/O LATE ISHAQUE KHAN
RESIDENT OF UPAPATH HOUSE NO 17
PO AND PS HATIGAON
DIST KMARUP (M) ASSAM

VERSUS

THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM AND 3
ORS
TO THE GOVT. OF ASSAM
WATER RESOURCE DEPARTMENT
DISPUR GUWAHATI 06 ASSAM

2:THE CHIEF ENGINEER

WATER RESOURCE DEPARTMENT
CHANDMARI
GUWAHATI 3
ASSAM

3:THE SUPERINTENDING ENGINEER

WATER RESOURCE CIRCLE
BHARALUMUKH
GUWAHATI 09

4:THE EXECUTIVE ENGINEER

GUWAHATI WEST WATER RESOURCE DIVISION
BHARALUMUKH
GUWAHATI 09

Advocate for : MS. R BEGUM

Advocate for : SC

WATER RESOURCE appearing for THE COMMISSIONER AND SECRETARY TO

THE GOVT OF ASSAM AND 3 ORS

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

30.09.2021

Heard Ms. R. Begum, learned counsel for the petitioner whereas Ms. S. Chutia, learned Standing Counsel, Water Resource Department is present for all the respondents.

2. Considering the subject matter of dispute and the stand taken by the respondents in their affidavit-in-opposition, the present writ petition is taken up for final disposal at the admission stage.

3. The petitioner, who is a registered contractor under the Water Resource Department had executed various works of construction as well as supply in pursuant to the formal work orders issued by the Department. However, even after completion of the works in question, the bills were not cleared. Ms. Begum, the learned counsel for the petitioner submits that the authorities have issued a liability statement wherein the outstanding liability of Rs.4,94,085/- has been admitted. Accordingly, the writ petition has been filed for a direction for release of the said payment.

4. Ms. S. Chutia, learned Standing Counsel, Water Resource Department by referring to the affidavit-in-opposition filed on 26.08.2021 fairly submits that after making certain part payments, the present liability comes to Rs.4,81,085/- which will be paid as and when funds would be available.

5. In view of unequivocal admission of liability, this Court is of the view that the present is a fit case wherein the guidelines laid down in the case of ***Tamsher Ali Vs. State of Assam***, reported in ***2008 (4) GLT 1*** would be applicable.

6. Accordingly, this writ petition is disposed of by directing and listing of the petitioner's claim in the chronological list and thereafter release the entitles payment on a *pro rata* basis as and when funds are available.

7. This writ petition accordingly stands disposed of.

JUDGE

Comparing Assistant