

GAHC010006902019



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

Case No. : WP(C)/223/2019

M/S. J.K. TRADE AND COMMERCE
A PROPRIETORSHIP CONCERN,
REGISTERED CLASS (A), CONTRACTOR HAVING ITS OFFICE AT G.S.
ROAD,
CHRISTIANBASTI, GUWAHATI - 781005
DIST. KAMRUP (M), ASSAM,
REP. HEREIN BY ITS PROPRIETOR,
SRI AMIT KUMAR BAGARIA, AGED ABOUT 34 YEARS,
S/O LATE KAILASH NATH BAGARIA,
R/O SREE NAGAR,
P.O. AND P.S. DISPUR,
GUWAHATI, ASSAM- 781006.

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REP. HEREIN BY ITS SECRETARY TO THE GOVT. OF ASSAM,
FISHERY DEPARTMENT, DISPUR, GUWAHATI, ASSAM- 781006.

2:THE JOINT SECRETARY TO THE GOVT. OF ASSAM
FISHERY DEPARTMENT
DISPUR GUWAHATI
ASSAM- 781006.

3:THE DIRECTOR OF FISHERIES
THE DEPARTMENT OF FISHERIES
MEEN BHAWAN GOPINATH NAGAR
GUWAHATI
ASSAM- 781016.

4:THE DEPUTY COMMISSIONER
BARPETA ASSAM
- 781301.

5:THE EXECUTIVE ENGINEER
THE DEPARTMENT OF FISHERIES
GOPINATH NAGAR
GUWAHATI
ASSAM-781016.

6:THE DISTRICT FISHERIES DEVELOPMENT OFFICER
BARPETA
ASSAM- 781301

Advocate for the Petitioner : MR. S BORTHAKUR, MR. J ABBAS

Advocate for the Respondent : GA, ASSAM, MR. P SHARMAH SC FISHERY DEPT.,MR A
CHALIHA SC. Fin. dept.

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

Date : 21.08.2024

Heard Mr. J. Abbas, learned counsel for the petitioner. Also heard Mr. P. Sarma, learned counsel for the Fishery Department and Ms. U. Das, learned counsel for the State respondents.

2. The grievance of the petitioner is that he had undertaken a contract work under the Fishery Department, i.e., "Construction of Wholesale Fish Market at Howly Town, Howly, Assam under NFDB Fundin" at a bid price of Rs. 2,28,89,000/-. Though the petitioner had executed around 60% of the contract work, the respondent authorities did not release the running bills of the petitioner, despite repeated requests. As such, the petitioner filed the present writ petition, for a direction to be issued to the respondent authorities, to pay the running bills of the petitioner. During the proceedings of this case, the petitioner completed the contract work on January, 2023.

3. The petitioner's counsel thus prays that the petitioner should be given his entire contractual dues by the respondents, as the contract work in question has been completed.

5. Mr. P. Sharma, learned counsel for the Fishery Department submits that as per the letter dated 20.08.2024, issued by the Director of Fisheries and addressed to the Additional Secretary to the Government of Assam, Fishery Department, Guwahati, having memo No. AF(E)379/Courtcase/2018-19/81/3329, which has enclosed the payment status report regarding payment made and to be made to the petitioner, the petitioner is still to be paid an amount of Rs. 24,60,775/-, as all other payments have been made to him.

6. I have heard the learned counsels for the parties.

7. The enclosed status report of the payment made/to be made to the petitioner, forwarded in terms of the letter dated 20.08.2024 by the Director of Fisheries, Assam, is reproduced herein below as follows :-

“Present Payment status report as on 20/08/2024

Name of Work :-Construction of Wholesale cum Retail Fish Market at Howly, Barpeta District with financial Assistance from NFDB Hyderabad under the Scheme Marketing and Transport (General) 2014-15

Contractor's Name:- M/S J.K Trade & Commerce, Guwahati

Date of Commencement 2015-08-17

Date of Completion 2023-01-25

Up to date Value of Work Done: 22,559,775.00

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Status of Payment:

SL. No.	Bill No.	Payment made as per FOC received			Remarks
1.	1 st RA Bill		Rs.6,332,200.00	2017-01-27	
	2 nd RA Bill	1 st part payment	Rs.6,256,800.00	2019-06-10	
2.		2 nd part payment	Rs.150,000.00	Mar-20	
		3 rd part payment	Rs.1,910,000.00	2022-03-21	
3.	3 rd RA cum Final Bill	1 st part payment	Rs.3,200,000.00	2023-03-22	
		2 nd part payment	Rs.2,250,000.00	2023-10-30	
		3 rd part payment	Rs.2,460,775.00		Process for Final Payment is in progress for the current FY 2024-25
Total			Rs.22,559,775.00		

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Director of Fisheries
Assam"

8. A perusal of the above chart shows that the contract work had been completed by the petitioner on 25.01.2023 and the up-to-date value of the contract done is Rs.22,559,775/-. Further, all the payments have been made, except for 3rd part payment of the 3rd RA cum Final Bill of Rs. 24,60,775/-, which is being processed for payment during the current financial year.

9. In view of there being admission made by the State respondents that all the dues of the petitioner have been cleared, except for an amount of Rs. 24,60,775/-, which is being processed for final payment in the current financial year, the respondents are directed to complete the process for payment of the admitted dues of Rs. 24,60,775/- and pay the same to the petitioner in the current financial year and not later than 31st of December, 2024.

10. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant