

GAHC010049222022



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

Case No. : WP(C)/1818/2022

JONALI SELF HELP GROUP
(A NON-GOVERNMENTAL ORGANIZATION) REPRESENTED BY ITS
PRESIDENT MISS MEHARUN BEGUM, AGED ABOUT 45 YEARS, W/O FAZAL
ALI, VILL-DHUHI NO. 1, P.O.-DHUHI, KAMRUP(R), ASSAM, PIN-781350

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY, PUBLIC
HEALTH ENGINEERING CUM THE MISSION DIRECTOR, SBM (G), ASSAM,
HENGRABARI, GUWAHATI-36

2:THE CHIEF ENGINEER
PUBLIC HEALTH ENGINEERING
SANITATION
HENGRABARI
GUWAHATI-36

3:THE CHAIRMAN
KDWSC
CUM DEPUTY COMMISSIONER (R)
KAMRUP
AMINGAON

4:THE MEMBER SECRETARY
KDWSC
CUM EXECUTIVE ENGINEER (PHE) GUWAHATI DIVISION NO. I

5:THE ASSOCIATE MEMBER SECRETARY
KDWSC
CUM EXECUTIVE ENGINEER (PHE)
RANGIA DIVISION

RANGIA

6:THE CHAIRMAN JATIA BHANGRA VWSC
CUM PRESIDENT JATIA BHANGRA GAON PANCHAYAT

7:THE MEMBER SECRETARY
JATIA BHANGRA GAON PANCHAYAT
WATER SANITATION COMMITTEE

Advocate for the Petitioner : MR. A K SARMA

Advocate for the Respondent : SC, P H E

BEFORE
HON'BLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

24.07.2024

Heard Mr. A. Gohain, learned counsel for the petitioner. Also heard Mr. I. Borthakur, learned counsel appearing for the respondent PHE Department and Ms. U. Das, learned Government Advocate, appearing for respondent No.3.

2. The case of the petitioner, a non-government organization, is that the respondent No.7 issued work order dated 30.07.2017, for construction of 20 nos. of low cost individual household latrines under Swachh Bharat Abhiyan @ ₹ 12,000/- per unit, for a total cost of ₹ 2,40,000/-.

3. The petitioner's case is that despite executing the contract work and submitting the final bills, the bill amount of ₹ 2,40,000/- against the said contract work has not been released by the respondent authorities till date.

4. Mr. I. Borthakur, learned counsel for the respondent PHE Department, on the other hand, submits that though he has received instructions, the same needs clarification. He accordingly prays for time to obtain clarifications.

5. I have heard the learned counsels for the parties. It is surprising to note that despite this writ petition having been filed on 09.03.2022, the State respondents have not been able to file any counter affidavit even after a lapse of more than 2 years 4 months. The only thing that has to be verified, is as to whether the petitioner had been given the contract work for construction of 20 nos. of low cost individual household latrine @ ₹ 12,000/- per unit and whether the said contract work had been executed by the petitioner. The documents on record show that the petitioner had made a bill for ₹ 2,40,000/- on 16.02.2018, pursuant to the contract work executed by it and despite a lapse of 6 years from the date of filing of the bill, the respondents have not been able to take a decision on the same till date.

6. On considering the above facts, this Court directs the respondent No.2 to verify, as to whether the petitioner was given the contract work for construction of 20 nos. of low cost individual household latrines under Swachh Bharat Abhiyan @ ₹ 12,000/- per unit, for a total cost of ₹ 2,40,000/- and thereafter, the admitted amount shall be paid by the respondents to the petitioner. The said direction has been passed in terms of the Full Bench judgment of this Court in **Tamsher Ali & Ors. v. State of Assam & Ors.**¹ and also due to the fact that a similar order has already been issued by a Coordinate Bench of this Court in WP(C) No.2079/2022. The entire exercise for verification and payment of the petitioner's claim should be completed within a period of 3(three) months, from the date of receipt of a certified copy of this order.

7. The writ petition is accordingly disposed of.

Sd/- Michael Zothankhuma
JUDGE

Comparing Assistant

¹ 2008 (4) GLT 1