
(2025) 11 GAU CK 1804
In the Gauhati High Court
Case No : WPC Of 6799 Of 2024

Galib Islam

APPELLANT

Vs

State Of Assam And 4 Ors

RESPONDENT

Date of Decision : 21-11-2025

Acts Referred:

Citation : (2025) 11 GAU CK 1804

Hon'ble Judges : Devashis Baruah, J

Bench : Single Bench

Advocate : R. Islam, J. Handique

Final Decision : Disposed Of

Judgement

Devashis Baruah, J

1. The instant writ petition is filed by the petitioner challenging the non-payment of the contractual bill of Rs.44,67,663/- for the work awarded to him vide the quotation dated 12.05.2016 issued by the Deputy Commissioner, South Salmara Mankachar District for supplying the good quality of common/grade-A/local (Raw) variety of rice, Masur dal (Big/Small) variety, Mustard Oil (with brand name) of 15 liters tin, Iodised salt, Chira, Gur, polythene sheet, Tarpaulin (size 15'X12', 15'X18'), Cattle feed (wheat bran), Baby food (Cerelac) etc. for distribution amongst the flood/erosion and other natural calamities affected people of South Salmara Mankachar District for a period of one year up to 31.03.2017 from the date of settlement under the terms and conditions mentioned in the said quotation.

2. The case of the petitioner herein is that pursuant to the quotation dated 12.05.2016, he submitted his quotation along with all the required documents before the authority concerned. It is stated that pursuant to the acceptance of the quotation(s) of the petitioner, several intent orders were issued by the Deputy Commissioner, South Salmara Mankachar District in favour of the petitioner in two dates, i.e. on 27.07.2016 and 28.07.2016 respectively directing

the petitioner to supply the G.R. items and hand over the same to the Assistant Director, FCS & CA, Hatsingimari. Accordingly, the petitioner supplied the same and thereafter submitted bills against each intent order amounting to Rs.44,67,663/- before the respondent authorities. However, the said amount has not been disbursed to him till date.

3. The learned counsel appearing on behalf of the petitioner submitted that the petitioner filed a writ petition before this Court being WP(C) No.28/2018 and the said writ petition was disposed of vide the common judgment and order dated 28.05.2018 passed in a bunch of writ petitions directing the respondent authorities to examine the claim of the petitioner and pass appropriate order indicating the amount payable to the petitioner within a period of 4 months.

4. It is further submitted by the learned counsel for the petitioner that after obtaining the certified copy of the said judgment and order dated 28.05.2018, the petitioner submitted the same before the concerned authority. It is submitted that the respondent No.2 expressed its inability to make payment against such claim of the petitioner in view of the findings of the Divisional Commissioner, Lower Assam Division vide enquiry report submitted on 16.09.2017 and also due to the fact that the findings of the enquiry conducted by the Chief Minister's Special Vigilance Cell is yet to be received by the Department. Hence, the petitioner has approached this Court by filing this writ petition.

5. Mr. J. Handique, the learned Standing Counsel appearing on behalf of the Revenue Department submitted that necessary verification process is going on as regards the entitlement of the petitioner of an amount of Rs.44,67,663/-.

6. Upon perusal of the materials on record, this Court is of the opinion that if the petitioner had made the supply pursuant to the supply orders issued, the petitioner would be entitled to the amount as claimed. However, for the same, verification on the part of the Respondent Authorities would be required.

7. This Court, therefore, disposes of the instant writ petition with the following observations and directions:-

i) The Respondent Authorities shall verify as to whether the petitioner had successfully executed the work, i.e. for supplying the good quality of common/ grade-A/local (Raw) variety of rice, Masur dal (Big/Small) variety, Mustard Oil (with brand name) of 15 liters tin, Iodised salt, Chira, Gur, polythene sheet, Tarpaulin (size 15'X12', 15'X18'), Cattle feed (wheat bran), Baby food (Cerelac) etc. as per the terms and conditions of the quotation dated 12.05.2016.

ii) The Respondent Authorities shall also verify as to whether the petitioner had submitted the requisite documents which are required for the purpose of releasing the outstanding amount as claimed by the petitioner.

iii) The Respondent Authorities shall also verify the entitlement of the petitioner to the outstanding dues, and if upon verification in the manner stated above, it is found that the petitioner is entitled to any such amount, the Respondent

Authorities shall pay the same to the petitioner.

iv) The said exercise be completed within a period of 6 (six) months from the date a certified copy of the instant order is served upon respondent No.2, i.e. the Principal Secretary to the Government of Assam, Revenue & Disaster Management Department, Dispur, Assam.