
(2025) 12 GAU CK 1694
In the Gauhati High Court
Case No : WPC Of 4696 Of 2025

Pabitra Kalita

APPELLANT

Vs

State Of Assam And 4 Ors

RESPONDENT

Date of Decision : 01-12-2025

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2025) 12 GAU CK 1694

Hon'ble Judges : Devashis Baruah, J

Bench : Single Bench

Advocate : A. Deka, U. Das

Final Decision : Disposed Of

Judgement

Devashis Baruah, J

1. Heard Mr. A. Deka, the learned counsel appearing on behalf of the Petitioner and Ms. U. Das, the learned Additional Senior Government Advocate appearing on behalf of the Respondents.
2. The instant petition has been filed being aggrieved by the inaction on the part of the Respondent Authorities in not making payment of the bills of the Petitioner.
3. The Petitioner herein is a reputed entrepreneur and is engaged in the business of providing vehicles for hire across the State of Assam to various Government as well as private organizations.
4. The learned counsel for the Petitioner submitted that a Maruti Gypsy vehicle bearing No. AS-01-DR-4361, belonging to the Petitioner was hired by the Respondent Authorities during various periods between 2022 and 2024 and the rates were fixed by the Respondent Authorities as per the notification dated 06.02.2014 issued by the Transport Department, Government of Assam
5. It is the case of the Petitioner that the Additional District Magistrate, Kamrup (M), requisitioned the aforesaid vehicle on hire basis for the periods mentioned

above and it was also deployed by Respondent No.2 for police services. The learned counsel for the Petitioner submitted that for the periods from 01.01.2022 to 30.06.2022, 01.07.2022 to 31.12.2022, 01.01.2023 to 31.03.2023, 01.10.2023 to 30.11.2023, 01.12.2023 to 31.12.2023 and 01.01.2024 to 31.12.2024, Respondent No. 2 had admittedly generated hire charge bills amounting to Rs.9,00,058/-. It was submitted that despite Respondent No.2 itself having raised the hire charge bills, the said amount of Rs.9,00,058/- has not been released to the Petitioner. The learned counsel for the Petitioner further submitted that the Petitioner had submitted a representation on 06.06.2025 to the Respondent Authorities seeking release of the amount however the said amount of Rs.9,00,058/- is still pending, for which the Petitioner has approached this Court under Article 226 of the Constitution.

6. Ms. U. Das, the learned Additional Senior Government Advocate during the course of hearing submitted that an affidavit-in-opposition has been filed by the Respondent No.2 wherein at Paragraph Nos. 6 and 7, it has been categorically mentioned that the Petitioner is entitled to an amount of Rs.8,11,498/- and not Rs.9,00,058/-. Taking into account its relevance, this Court reproduces the Paragraph Nos. 6 and 7 herein under:

"6. That with regard to the statement made in paragraph no.5 of the writ petition, the answering deponent begs to state that to ascertain the correctness of the claimed of outstanding dues of Rs.9,00,058/- needs to be examined with the concerned records:

The facts reveals from the records as well as examination of the bills received during the period from 2022 to 2024 are as follows:-

(i) The verification of concerned records reveals that the petitioner had in fact claimed excess amount of Rs.88,560/- (Rupees Eighty Eight thousand Five hundred and Sixty) only, whereas the actual outstanding dues was Rs.8,11,498/- (Rupees Eight Lakh Eleven thousand four hundred and Ninety Eight) only. Accordingly, all the 9 (nine) numbers of hire charge bills have been scrutinized with the records available for taking further follow up steps.

(ii) After completion of required formalities, these bills have been forwarded to the Sanctioning Authority, i.e. Assam Police Headquarters to accord approval of sanction and allotment of fund. The proposals forwarded to the authority are as follows:

Proposal No.2111-2118 (RV) dated 08.09.2025.

Proposal No.2228(RV) dated 31.10.2025.

7. That with regards to the statements made in paragraph No.6 of the writ petition, the deponent begs to state that bills pertaining to the amount of Rs.8,11,498/- have already been forwarded to the Assam Police Headquarters to accord approval of sanction and allotment of fund. It is further stated that the matter related to the release of fund against the proposal amount always depend

upon the Govt., which is yet to be received and as such, the outstanding dues payable to the petitioner is pending. However, outstanding dues will be credited to the Bank Account of the petitioner, once FOC received from the authority.”

7. Upon perusal of the materials on record and more particularly the paragraphs quoted above, it would be seen that the Respondents therefore admit that the Petitioner is entitled to the amount of Rs.8,11,498/-.

8. Accordingly, the writ petition stands disposed of with the following observations and directions:-

(i) This Court directs the Respondent Nos. 3 to take immediate steps for releasing the amount of Rs.8,11,498/- to the Petitioner after making such statutory deductions, if so required, within a period of 6 (six) months from the date, a certified copy of the instant order is served upon the respondent No.3.

(ii) Any amount paid during the pendency of the present proceedings would be set off at the time of disbursal of the amounts to the Petitioner.