
(2025) 12 GAU CK 1704
In the Gauhati High Court
Case No : WP(C) Of 4657 Of 2025

Pradip Kalita

APPELLANT

Vs

State Of Assam And 7 Ors

RESPONDENT

Date of Decision : 08-12-2025

Acts Referred:

Citation : (2025) 12 GAU CK 1704

Hon'ble Judges : Devashis Baruah, J

Bench : Single Bench

Advocate : L. Mohan, U. Das

Final Decision : Disposed Of

Judgement

Devashis Baruah, J

1. Heard Mr. L. Mohan, the learned counsel appearing on behalf of the petitioner. Ms. U. Das, the learned Additional Senior Government Advocate appears on behalf of the respondent respondents.

2. The instant writ petition is filed by the petitioner challenging the non-payment of the admitted amount of Rs.42,68,391/- for hiring the vehicles of the petitioner by the Respondent Authorities.

3. The case of the petitioner herein is that the petitioner is the owner of 9 numbers of vehicles bearing registration No.AS-25-P-2770 (Innova); AS-01-FW-1495 (Balero); AS-01-FT-1366 (Bolero); AS-01-FN-9426 (Innova); AS-11-R-3069 (Innova); AS-23-W-3773 (Innova); AS-01-EA-3495 (Innova); AS-01-DP-5879 (M/Thar) and AS-01-EM-8246 (Innova). The Respondent Authorities took the aforesaid vehicles on hire basis on different dates in the year 2022 to 2024 and released the same accordingly. The petitioner thereafter submitted the bill before the Respondent Authorities for making payment for an amount of Rs.42,68,391/- as hire charge. It is stated that though the Respondent Authorities had duly admitted the bill amount, however the said amount has not

been disbursed to him till date.

4. The learned counsel appearing on behalf of the petitioner submitted that the petitioner has been pursuing the matter diligently with the respondents, but the Respondent Authorities have not shown any interest in making the payment of the admitted amount of Rs.42,68,391/- due to the petitioner for which the petitioner is facing hardship. The learned counsel for the petitioner further submitted that the Respondent Authorities have failed to discharge their duty in accordance with law and the same has caused prejudice to the petitioner. Hence, the petitioner has approached this Court by filing the instant writ petition.

5. Ms. U. Das, the learned Additional Senior Government Advocate submitted that an affidavit-in-opposition had been filed by the respondent No.6. Paragraph Nos.6 & 8 of the said affidavit-in-opposition being relevant is reproduced herein under:-

"6. That with regard to the statement made in paragraph 5 of the Writ Petition, the answering deponent begs to state that petitioner has submitted 22 No's of hire charges bills claiming an amount of Rs. 42,68,391/- as hire charges. Out of the 22 No's of hire charges bills, 11 No's of hire charges bills have been scrutinized with the records available and found in order. Accordingly, these bills have been forwarded to the sanctioning authority to accord approval of sanction and allotment of fund under proposal No. 3288-3298 (RV) dated 01-12-2025. The details of the bills are as follows:

1	AS-11-R-3069	Innova	01.04.2024	30.06.2024	Rs. 198649.00
2	AS-11-R-3069	Innova	01.10.2024	31.12.2024	Rs. 200832.00
3	AS-01-EA-3495	Innova	01.04.2024	30.06.2024	Rs. 220489.00
4	AS-01-EA-3495	Innova	01.10.2024	31.12.2024	Rs. 222912.00
5	AS-01-EM-8246	Innova	01.04.2024	30.06.2024	Rs. 220489.00
6	AS-01-EM-8246	Innova	01.10.2024	31.12.2024	Rs. 222912.00
7	AS-23-W-3773	Innova	01.04.2024	25.06.2024	Rs. 187734.00
8	AS-01-FN-9426	Innova	01.04.2024	30.06.2024	Rs. 198649.00
9	AS-01-FN-1495	Bolero	01.04.2024	30.06.2024	Rs. 185804.00
10	AS-01-DP-5879	M/Thar	01.04.2024	30.04.2024	Rs. 44622.00
11	AS-01-FT-1366	Bolero	01.04.2024	30.06.2024	Rs. 185804.00
					Rs. 2088896.00

The rest 11 No's of bills amounting to Rs. 21,79,890/- (Rupees Twenty One Lakh Seventy Nine thousand Eight hundred and Ninety) only are under verification as objection raised against these bills. It is stated that after completion of scrutiny

with necessary correction if required, the entitled amount against each bill will be forwarded to the Assam Police Headquarter to accord approval of sanction. 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 proposal amount payable to the petitioner is pending. Therefore, the statement made in this para of the petitioner is not correct.

8. That with regard to the statements made in paragraph 9 of the Writ Petition, the answering deponent begs to state that all required steps have been taken in respect of 11 No's of bills amounting to Rs. 20,88,896/-. The remaining bills will be submitted to the authority after completion of scrutiny with necessary correction if required. Considering the facts stated above and in foregoing paragraphs, the allegation of violation of the Constitutional Rights as alleged is not correct."

6. Upon perusal of the said affidavit and more particularly the paragraphs quoted above, it would show that the Respondents therefore admit that the petitioner is entitled to the amount of Rs.20,88,896/- and for the remaining amount, i.e. Rs.21,79,890/-, necessary verification is required to be carried out.

7. Accordingly, the writ petition is disposed of with the following observations and directions:-

i) The said admitted amount, i.e. Rs.20,88,896/- be paid to the petitioner within a period of 6 (six) months from the date, a certified copy of the instant order is served upon the respondent No.3, i.e. the Director General of Police, Assam, Ulubari, Guwahati.

(ii) As regards the remaining amount of Rs.21,79,890/-, the Respondent Authorities shall carry out necessary verification and if it is found that the petitioner is entitled to the said amount or any other amount pursuant to verification, the same be paid to the petitioner within a period of 6 (six) months from the date a certified copy of the instant order is served upon the respondent No.3, i.e. the Director General of Police, Assam, Ulubari, Guwahati