
(2021) 03 MAN CK 0050
In the Manipur High Court

V.S. Nganingkhui.

APPELLANT

Vs

Union Of India & 3 Ors.

RESPONDENT

Date of Decision : 01-03-2021

Acts Referred:

Citation : (2021) 03 MAN CK 0050

Hon'ble Judges : Kh. Nobin Singh, J

Bench : Single Bench

Final Decision : Disposed Of

Judgement

[1] Heard Shri Th. Khagemba, learned counsel appearing for the petitioner and Shri Niranjana Sanasam, learned Government Advocate appearing for the respondents.

[2] By the instant writ petition, the petitioner has prayed for issuing a writ of mandamus to direct the respondent No. 2 to correct the wrong entry in the OMMAS as requested by the Chief Engineer cum EO, RED/MSRRDA (PMGSY), Manipur and to ensure that payment of the petitioner's contractual bill amount is made within a stipulated time.

[3] According to the petitioner, he is a Special Class Contractor and earns his livelihood by doing contract work. The Director (RC), Ministry of Rural

Development, Government of India wrote a letter dated 31-5-2013 to the Principal Secretary (RD & PR), Government of Manipur informing that the

proposals sent by the State Government for construction of road works under Phase IX of PMGSY were considered by the Empowered

Committee in its meeting held on 29-4-2013 and on the basis of the recommendation of the Empowered Committee, the Ministry had accorded

clearance for the said proposals.

[4] After having successfully participated in the NIT, the petitioner was awarded the work order on 8-12-2014 by the Chief Engineer/EO

(MSRRDA), Manipur for the package No. MNO 762/PMGSY Phase-IX (RT) for construction of road from Lower Songprum to Upper Songprum

under Tamenglong Block, Tamenglong District for a total amount of Rs. 2,87,38,384.08/- (Rupees two crore eighty-seven lakh thirty-eight thousand

three hundred and eighty-four and eight paise) only. As per the schedule of work, the length of the said road to be constructed by the petitioner is 7.23

km for which the agreement was signed between the Department and petitioner.

[5] After the work having been executed, the petitioner submitted a representation to the Executive Engineer, PIU-I-TML (RED/MSSRDA) thereby

submitting the work completion report for the construction of the said road and requested him to release his contractual bill. The Assistant Engineer,

PIU-I-TML (RED/MSRRDA), Government of Manipur vide his letter dated 20-2-2020 requested the Chief Engineer/EO, (RED/MSRRDA), Manipur

that the work completed by the petitioner could not be declared as completed due to the difference in the length of the road as per the Online

Management, Monitoring and Accounting System (OMMAS) software and the agreement sanction length. As per the agreement, the sanctioned

length of the road is 7.23 km while in the OMMAS it is 11 km. Thereafter, the Chief Engineer cum EO, RED/MSRRDA (PMGSY), Manipur wrote a

letter dated 11-6-2020 to the Director (Technical), National Rural Infrastructure Development Agency, Ministry of Rural Development, Government

of India, New Delhi apprising the true facts with regard to the length of the road under the said work order and for correction in the OMMAS so as to

enable him to declare the work as completed in the OMMAS. The State Government appears to have not received any instruction from the

Government of India as regards the correction in the OMMAS. Being aggrieved by the inaction on the part of the respondents, the instant writ petition

has been filed by the petitioner praying for direction to the respondent No. 2 to take a reasoned decision pursuant to the letter dated 11-6-2020 of the

Chief Engineer cum EO (RED/MSRRDA). The delay in taking the decision has hampered the livelihood of the petitioner as his bill cannot be paid

without correcting the mismatch of the length of the road constructed by him.

[6] When the matter is taken up for consideration, it has been submitted by the

learned counsel appearing for the petitioner that the instant writ petition can be disposed of by issuing an innocuous order and accordingly, the writ petition stands disposed of with the direction that the respondent No. 2 shall take a decision in terms of the letter dated 11-6-2020 addressed to him by the Chief Engineer-cum-EO, RED/MSRRDA (PMGSY), Manipur as regards the correction to be made in the OMMAS within a period of one month from the date of receipt of a copy of this order by issuing a reasoned order so that the petitioner's contractual bill amount can be released at an early date.

[7] Copies of this order shall be sent to the counsel appearing for the parties through their WhatsApp/e-mail.