

GAHC010020152025



2026:GAU-AS:11732

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

Case No. : WP(C)/617/2025

SUDHANG KUMAR BRAHMA
SON OF LATE RATI RAM BRAHMA,
RESIDENT OF WARD NO 5, MIJING NWGWR,
P.O. AND P.S.- KOKRAJHAR,
DIST.- KOKRAJHAR, PIN- 783370.

VERSUS

THE BODOLAND TERRITORIAL COUNCIL AND 3 ORS.
REPRESENTED BY THE PRINCIPAL SECRETARY, BODOLAND
TERRITORIAL COUNCIL, KOKRAJHAR- 783370.

2:THE JOINT SECRETARY
PUBLIC WORKS DEPARTMENT
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR- 783370.

3:THE ADDITIONAL CHIEF ENGINEER-CUM-DIRECTOR
PUBLIC WORKS DEPARTMENT
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR- 783370.

4:THE EXECUTIVE ENGINEER
PUBLIC WORKS DEPARTMENT
BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR- 783370

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH

For the Petitioner(s) : Mr. D. Gogoi, Advocate

For the Respondent(s) : Ms. B. Bora, SC, BTC

- Date on which Judgment was reserved : N/A
- Date of Pronouncement of Judgment : **17.08.2026**
- Whether the pronouncement is of the Operative Part of the Judgment : No
- Whether the full Judgment has been Pronounced : Yes

JUDGMENT AND ORDER (ORAL)

Heard Mr. D. Gogoi, the learned counsel appearing on behalf of the Petitioner and Mr. B. Bora, the learned Standing counsel appearing on behalf of the BTC.

2. The case of the Petitioner herein is that the Petitioner is aggrieved by the inaction on the part of the Respondent Authorities in not making payment of the balance amount to which the Petitioner is entitled to upon completion of works.

3. The case of the Petitioner herein is that, pursuant to the Administrative Approval and Technical Sanction granted by the competent authorities of the Bodoland Territorial Council and

following a successful bidding process, the Petitioner was issued a work order dated 29.08.2017 for the work of "Construction of Proposed Office Building for all CHC Office Complex at Kokrajhar District" under the One Time Special Grant for the year 2017–2018, at a bid amount of Rs. 10,62,31,000/-.

4. The learned counsel for the Petitioner submitted that the Petitioner had successfully completed the work and in this regard, the Respondent Authorities had issued a Completion Certificate in favour of the Petitioner. Thereafter, upon completion and handing over of the work by the Petitioner, the Respondent Authorities also issued a Handing Over and Taking Over Certificate. Accordingly, the Petitioner submitted bills amounting to Rs. 8,02,86,449/-. However, only an amount of Rs. 4,82,68,911/- has been paid, leaving an outstanding balance of Rs. 3,20,17,538/-. The learned counsel for the Petitioner further submitted that the Petitioner had submitted a representation dated 09.08.2024 before the Executive Engineer, PWD, Kokrajhar seeking release of the outstanding amount. However, the amount of Rs. 3,20,17,538/- remains unpaid. Being aggrieved, the Petitioner has approach this Court under Article 226 of the Constitution of India.

5. Ms. B. Bora, the learned Standing counsel appearing on behalf

of the BTC submitted that as to whether the Petitioner had completed the works in terms with the work order in question is a subject matter of verification which needs to be carried out by the Respondent Authorities and it is only on the basis of such verification, the actual entitlement of the Petitioner could be ascertained.

6. Upon hearing the learned counsels for the parties, this Court is of the opinion that the interest of justice would be met if a direction is given to the Respondent Authorities to verify as to whether the Petitioner has completed the works in accordance with the work order and thereupon to ascertain the exact amount to which the Petitioner is entitled to, if any.

7. It is under such circumstances, this Court therefore disposes of the instant writ petition thereby directing the Respondent Authorities more particularly the Respondent Nos. 2, 3 and 4 to verify the entitlement of the Petitioner on the basis of the work order which was issued in favour of the Petitioner and as to whether the Petitioner had completed the works in question and thereupon, after verification if it is found that the Petitioner is entitled to any amount, the same should be paid to the Petitioner in terms with the judgment of the Full Bench of this Court in the

case of ***Tamsher Ali and Others Vs. State of Assam and others reported in 2008 (4) GLT 1.*** The said verification be completed within a period of 1 (one) month from the date a certified copy of the instant order is served upon the Respondent No.1 and the payment thereupon be made in terms with the judgment rendered in the case of ***Tamsher Ali (supra).***

8. With above observations and directions, the instant writ petition stands disposed of.

JUDGE

Comparing Assistant