

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cont. Case (Civil) No. 650 of 2018

M/s VNR-RK (Joint Venture), through its authorized signatory, K. Ravindra Reddy, Hyderabad (Andhra Pradesh) Petitioner

Versus

1. The State of Jharkhand
2. L. C. Trivedi, General Manager, East Central Railway, Hazipur (Bihar)
3. B. Choudhary, Chief Administrative Officer/Con/South, East Central Railway, Mahendrughat, Patna (Bihar)
4. Sitesh Kumar Singh, Chief Engineer/Con/SE, East Central Railway, Mahendrughat, Patna (Bihar)
5. The Secretary, Mines Department, Government of Jharkhand, Ranchi

..... Opposite Parties

CORAM

HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner:	Mr. Gaurav Abhishek
For O.P.No.1:	Mr. Rahul Kamlesh, A.C to S.C-IV
For O.P.Nos. 2, 3 & 4:	Md. Mokhtar Khan Mr. Gautam Rakesh

09/11.09.2020 The present contempt application has been filed against the opposite parties for wilful disobedience and non-compliance of the order dated 10.01.2018 passed by this Court in W.P.(C) No. 25/2018 and analogous cases.

Md. Mokhtar Khan, learned counsel appearing on behalf of the O.P Nos. 2, 3 & 4, submits that the order dated 10.01.2018 passed by this Court in W.P.(C) No. 25/2018 along with other analogous cases led by W.P.(C) No. 7490/2017 was disposed of by this Court vide order dated 10.01.2018 in the light of the order already passed by a Bench of this Court on 03.10.2016 in W.P.(C) No. 5408/2014. Paragraph 8 of the order dated 03.10.2016 passed by this Court in W.P.(C) No. 5408/2014 reads as under:

"8. In view of the issue raised by the petitioner having attained finality by the judgment passed in L.P.A. No. 705/2015 in the case of State of Jharkhand & others (Supra), the writ petition is being disposed of in terms of the aforesaid judgment. If any amount has already been deducted from the Bills of the petitioner, it would be adjusted as per the applicable rates in terms of the aforesaid judgment. If any further liability of the petitioner remains, he would be liable to pay the same accordingly. In case any excess payment has been made by the petitioner, Respondent State would also be liable to refund the same."

In compliance of the order dated 10.01.2018 passed by this Court in W.P.(C) No. 25/2018 and analogous cases, the deduction of royalty in connection with the work in question was reassessed by the Deputy Chief Engineer (Con)/1, East Central Railway, Hazaribagh and on reassessment, an amount of Rs.8,16,073/- has been found payable by the petitioner after making adjustment of royalty of other than earth work filling material. The said calculation has been annexed as Annexure-R/1 to the show cause affidavit dated 29.01.2020 filed on behalf of the said opposite parties.

Having heard learned counsel for the parties and keeping in view that the order dated 10.01.2018 passed by this Court in W.P.(C) No. 25/2018 and analogous cases has already been complied by the opposite parties, I do not see any reason to further proceed with the matter.

The contempt proceeding as against the opposite parties is dropped.

The present contempt application stands disposed of.

The petitioner is however at liberty to take appropriate steps against the said calculation made by the Deputy Chief Engineer (Con)/1, East Central Railway, Hazaribagh, as permitted under law, if so advised.