

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No. 6058 of 2018

M/s. Whiz Mantra Educational Solutions Pvt. Ltd. through its Director,
 Dhanbad Petitioner

Versus

1. The State of Jharkhand
2. Jharia Rehabilitation and Development Authority, Dhanbad through its Chairman-cum-Commissioner, North Chhotanagpur Division, Hazaribagh, having its office at Hatia More, Hirapur, Dhanbad
3. The Managing Director, Jharia Rehabilitation and Development Authority, Dhanbad -cum-Deputy Commissioner, Dhanbad, having its office at Hatia More, Hirapur, Dhanbad
4. The Project Director, Jharia Rehabilitation and Development Authority, Dhanbad -cum-Deputy Development Commissioner, Dhanbad, having its office at Hatia More, Hirapur, Dhanbad
5. The Officer-in-Charge (R & R/Establishment), Jharia Rehabilitation and Development Authority, Dhanbad, having its office at Hatia More, Hirapur, Dhanbad
6. The Senior Manager (Finance), Jharia Rehabilitation and Development Authority, Dhanbad, having its office at Hatia More, Hirapur, Dhanbad Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner	: Mr. P.K. Mukhopadhyay, Advocate
For the Respondent-State	: Mr. Mohan Kumar Dubey, AC to AG

Order No. 07

Dated: 25.06.2020

The present writ petition is taken up today through Video conferencing.

The present writ petition has been filed for issuance of direction upon the respondents, particularly the respondent no. 3 – the Managing Director, Jharia Rehabilitation and Development Authority -cum-Deputy Commissioner, Dhanbad to pay the due amount of the bills of Rs. 86,61,166/- submitted by the petitioner including the deducted service tax and the kept back amount against the work of demographic survey done by it in terms with the work order issued by the respondents.

2. The learned counsel for the petitioner submits that on 27.02.2013, an agreement was executed between the Jharia Rehabilitation and Development Authority (JRDA), Dhanbad and the petitioner-Company as well as the other contractors whose names have been mentioned in the agreement. The said work was for

performing a demographic survey of household/survey of institutional details, submission of deliverables and survey of land details as well as measurement of superstructures/other infrastructures including the valuation, preparation of PIC, collection of option forms etc. On the basis of the agreement dated 27.02.2013, a work order was issued by the respondent no. 4 – the Project Director, Jharia Rehabilitation and Development Authority-cum-Deputy Development Commissioner, Dhanbad in favour of the petitioner for executing the aforesaid work. Thereafter, the identification of the site was done by the authorities of the BCCL and the existence of the households and sites were verified and certified by the said authorities. The petitioner after completing the work of demographic survey of 28,194 households, submitted the bills for payment of Rs. 58,64,352/- and an amount of Rs. 18,16,343/- deducted as service tax as well as Rs. 9,80,471/- as keep back amount, in total Rs. 86,61,166/-. In pursuance of the submission of the said bill, the petitioner also preferred representation before the respondent no. 3 on 04.05.2017 requesting inter alia for payment of the bill amount, however, the same was not responded. An application under Right to Information Act, 2005 was also made on behalf of the petitioner with regard to the work executed by it which was replied by the Public Information Officer-cum-In-Charge (R & R/Establishment), Jharia Rehabilitation and Development Authority, Dhanbad on 10.06.2017 mentioning inter alia that some of the amount against the bills submitted by the petitioner had been paid and the process for payment of rest of the bill amount was continuing. It is submitted by the learned counsel for the petitioner that despite several efforts made by the petitioner, the admissible amount of the bill(s) submitted by the petitioner in relation to the work in question has not been made.

3. Mr. Mohan Kumar Dubey, the learned AC to AG, submits that the claim of the petitioner is required to be factually verified by an appropriate authority.

4. Having heard learned counsel for the parties and keeping in view the nature of the prayer made in the present writ petition, without entering into the merit of the case, the respondent no. 3 is directed to

take up the matter with regard to the admissible payment of the bill(s) submitted by the petitioner for the work in question and to take appropriate informed decision after providing due opportunity of hearing to the petitioner/his representative, preferably within a period of three months from the date of receipt/production of a copy of this order.

5. The writ petition is accordingly disposed of with aforesaid direction.

I.A. No. 3634 of 2020 also stands disposed of.

(Rajesh Shankar, J.)

Manish