

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No. 3979 of 2019

A.R. Xerox Quick Service Care, Dhanbad through its proprietor
 Rajendra Prasad Petitioner

Versus

1. The Steel Authority of India (SAIL) through its Chairman, New Delhi
 2. The Bokaro Steel Plant through its Chief Executive Officer, Bokaro Steel City, Bokaro
 3. The General Manager, Liasion & Administrative Department (L & A), Bokaro Steel Plant, Bokaro Steel City, Bokaro
 4. The Deputy General Manager, Liasion & Administrative Department (L & A), Bokaro Steel Plant, Bokaro Steel City, Bokaro
 5. The Assistant General Manager, Liasion & Administrative Department (L & A), Bokaro Steel Plant, Bokaro Steel City, Bokaro
- Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner	: None
For the Respondents	: None

Order No. 06

Dated: 20.04.2021

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

It has been informed to this Court that in view of the resolution as contained in Reference No. 1165-1201/2021 dated 18.04.2021 passed by the Jharkhand State Bar Council, the learned lawyers of this Court, District Courts, Sub-Divisional Courts, Tribunal and all other Courts in the State of Jharkhand will refrain themselves from all Court works for next seven days in the wake of second wave of Covid-19 pandemic.

No one appears on behalf of the parties.

The present writ petition has been filed for issuance of direction upon the respondents, particularly the respondent nos. 4 and 5 to make payment of Rs. 15,47,732.43/- in relation to the job of "annual repair and maintenance of photocopier machines, full service maintenance of photocopier machines and proposal for rental photocopier machine with man & materials" done by the petitioner. Further prayer has been made for directing the said respondents to decide the representation on the said issue pending before them since long.

2. The case of the petitioner as stated in the writ petition is that work order no. 4565017640 dated 08.03.2014 regarding "annual repair and maintenance of photocopier machines" was issued by SAIL, Bokaro in favour of the petitioner after participation and being declared successful in floated tender for the said work. The value of the work order was Rs. 8,64,698.80/- and validity of the said work order was from 12.01.2014 to 11.01.2015. After expiry of the said work order, the respondents floated two tenders in relation to the job of "full service maintenance of photocopier machines and proposal for rental photocopier machine with man & materials". The petitioner participated in both the tender process and after being declared successful, it was issued work order no. 4565021949 dated 28.05.2015 for a value of Rs. 9,00,888.06/-, the validity of which was from 01.06.2015 to 31.05.2016 and work order no. 4565021962 dated 29.05.2015 for a value of Rs. 8,43,235.25/- and validity of the same was from 01.06.2015 to 31.05.2016. In addition to the said works, the petitioner was again issued work order no. 4565026895 dated 29.10.2016. The value of the said work order was Rs. 3,69,197.91/- and validity of the same was from 01.06.2016 to 31.10.2016. The Production Planning Shops (PPS) and various other departments of Bokaro Steel Plant requested from time to time that they may be permitted to take service of the petitioner and upon oral direction of the respondent nos. 4 and 5, the petitioner did the work of the said departments which was extra work apart from the aforesaid work orders. The petitioner was paid in full with respect to the aforesaid work orders, however, it was not paid for the extra work done either for the parent department (Liasion & Administrative) or for the other departments of Bokaro Steel Plant, Bokaro. Meanwhile, the respondents floated another tender for the same work of "proposal for rental photocopier machine with man & materials". The petitioner also participated in the said tender process, but since the tender process was not completed, the respondent no. 5 – the Assistant General Manager, Liasion & Administrative Department (L & A), Bokaro Steel Plant, Bokaro Steel City, Bokaro orally directed the petitioner to perform the job. The petitioner in order to recover

the earlier amount which were not paid to it, continued to perform the said work. The petitioner, thus has raised three final bills being invoice no. 311 dated 29.07.2017 amounting to Rs. 6,42,218.87/-, invoice no. 312 dated 29.07.2017 amounting to Rs. 4,60,582.56/- and invoice no. 05 dated 07.09.2017 amounting to Rs. 4,44,931/-, total amounting to Rs. 15,47,732.43/-. These bills are the consolidated bills which also include small amount of the earlier bills. According to the petitioner, it filed several representations before the respondent authorities claiming payment of the aforesaid bills in relation to the works in question, however, no decision has been taken on the same.

3. Having considered the content of the writ petition and keeping in view the nature of prayer made in the writ petition, without entering into the merit of the case, the petitioner is given liberty to prefer a fresh representation before the respondent no. 3 – the General Manager, Liasion & Administrative Department (L & A), Bokaro Steel Plant, Bokaro Steel City, Bokaro on the present issue. On receipt of the said representation, the respondent no. 3 after providing due opportunity of hearing to the petitioner's representative, shall take an informed decision within a period of two months from the date of filing of the representation.

4. The writ petition is accordingly disposed of with aforesaid liberty and direction.

(Rajesh Shankar, J.)