

(2017) 02 JH CK 0108
In the Jharkhand High Court
Case No : 1840 of 2016

Abhilasha, & Ors.

APPELLANT

Vs

Union of India, & Ors.

RESPONDENT

Date of Decision : 06-02-2017

Acts Referred:

Citation : (2017) 02 JH CK 0108

Hon'ble Judges : Aparesh Kumar Singh

Bench : SINGLE BENCH

Advocate : Rahul Kumar, Anshuman Kumar

Final Decision : Disposed

Judgement

1. Heard learned counsel for the petitioner and the State representing Respondents.

2. Petitioner on the basis of Annexure-4, letter dated 29.1.2016 and Annexure-5 dated 4.2.2016 submits that work for construction of Over Head Tank in New Police Line, Ranchi under agreement no. 10F2/2009-2010 for a value of Rs. 78,76,667/- has been completed on 25.7.2012 against the date of completion of work i.e., 4.6.2010, as per the agreement. Final bills have also been prepared. Application for refund of earnest money and security deposit have been made and recommended by the Junior Engineer, Assistant Engineer and Executive Engineer, as evident from Annexure-5 itself. However despite the fact that defect liability period is over as per the communication between the Assistant Engineer, Jharkhand Police

Housing Corporation Ltd. and the Executive Engineer of the Corporation (Annexure-4), the same is not being refunded. Therefore, petitioner is compelled to approach this Court after representation at Annexure-3/1 dated 4.12.2015, has remained unredressed.

3. Learned counsel for the Respondent- State submits that instructions have not been received in the matter as yet. However, petitioner may be directed to approach the competent authority under the Respondents, Jharkhand Police Housing Corporation Ltd with a fresh representation with all supporting documents for redressal of its grievance, which may be considered in accordance with law after scrutiny of the record, satisfactory execution of the work and terms and conditions of the agreement.

4. Having heard learned counsel for the parties in the light of relevant material facts noticed above, this Court in exercise of writ jurisdiction, is not inclined to determine the issue relating to payment of dues under agreement / work order executed between the parties, which may depend upon questions of fact disputed and terms and conditions of the agreement. However, in case the petitioner files a fresh representation before the competent authority / Managing Director, Jharkhand Police Housing Corporation Limited, Respondent no.1 duly supported with necessary facts and documents, the competent authority/ Managing Director, Jharkhand Police Housing Corporation Limited would consider the same in accordance with law after scrutiny of the relevant record, terms and conditions of the agreement / work order and satisfactory execution of the work also on the part of the petitioner within a reasonable time, preferably 12 weeks from the date of receipt of the copy of this order. In case the dues are found to be admissible, the same would be released thereafter within a reasonable time.

5. The writ petition is disposed of accordingly.