

(2014) 12 JH CK 0104

In the Jharkhand High Court

Case No : W.P. (C) Nos. 7270, 7277, 7300, 7344 and 7392 of 2013 and 70, 71, 1213, 1222, 1231, 1233, 1237, 1238, 1242, 1451, 1452, 1453, 1464 and 1469 of 2014

Bharat Singh and Others

APPELLANT

Vs

Bharat Coking Coal Ltd.

RESPONDENT

Date of Decision : 19-12-2014

Acts Referred:

Citation : (2015) 1 JLJR 561

Hon'ble Judges : S. Chandrashekhar, J

Bench : Single Bench

Advocate : Ajit Kumar, Advocates for the Appellant; Anoop Kumar Mehta, Advocates for the Respondent

Judgement

S. Chandrashekhar, J.—I find that the writ petitions have been preferred by individuals whereas, the work order/contract was issued in the name of firms. To a pointed query why the writ petitions have been preferred by the individuals, Mr. Ajit Kumar, the learned counsel appearing in all the writ petitions made a statement that the petitioners are the proprietors/partners/authorised representatives of the firms and therefore, they are competent to pursue the claim on behalf of the firms. In this batch of writ petitions, the petitioners have sought a direction upon the respondents to make payment of the admitted amount along with interest. In all the writ petitions, the petitioners have produced copies of bills/invoices and the copies of "advice for payment", that is, pay orders issued by the concerned officer of the coal company.

2. Mr. Ajit Kumar, the learned counsel for the petitioners in all the writ petitions referred to various communications from the coal companies by which the petitioners were intimated that due to shortage of fund, payment could not be made. Referring to the communications whereby advice for "pay orders" were issued in favour of the petitioners, the learned counsel for the petitioners submits that neither the completion of work by the petitioners' firm nor the entitlement

for payment has been disputed by the respondents rather, it has been accepted by the respondents that the petitioners are entitled for payment.

3. Mr. Anoop Kumar Mehta, the learned counsel appearing in all the writ petitions for the respondents submits that, in the year, 2012 Kustore Colliery where the petitioners made supplies and/or executed works, was wound up and merged in Putki Belihari Area, Kusunda Area and Basta Kola Area and therefore, the communications brought on record by the petitioners are required to be verified before a final decision for payment is taken. It is submitted that the petitioners themselves are responsible for delay, if any, and the writ petition, seeking a direction for payment of money is not maintainable. It is further submitted that it has been found that in many cases, without executing any work, bills have been raised and the parties have claimed payment and therefore, the claims of the petitioners are also required to be verified.

4. In reply, Mr. Ajit Kumar, the learned counsel for the petitioners, submits that the claim of the petitioners should have been verified by the respondents at the earliest. The employees who were employed at Kustore Area are still working with BCCL and therefore, there cannot be any difficulty in verifying the genuineness of the documents produced by the petitioners and for taking a final decision on the claim of the petitioners.

5. Having heard the counsel for the parties, I am of the opinion that in view of the documents produced by the petitioners which have been issued by the respondents themselves, the writ petitions cannot be dismissed as not maintainable. The petitioners have given details of the work order/tender notice and they have produced the communications issued by the respondents directing payment to the petitioners. The details of the documents produced in all the writ petitions are tabulated below:--

6. In view of the materials brought on record and the objection raised by the counsel for the respondents, without going into the merits of the matter, I hereby direct the respondents to examine the claim of the petitioners at the earliest. The petitioners are also directed to produce all relevant record in possession of the firms and to co-operate in expeditious examination of their claims. Since, the petitioners have claimed that huge amount of their firms are lying with the respondents, it is desirable that necessary scrutiny/enquiry should be completed within a period of 4 months and a final decision be taken within next 2 months thereafter. Needless to say, the legitimate dues of the petitioners, if found due, would be paid to the petitioners. However, it is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioners, including the claim of interest made by the petitioners in the writ petitions. All the writ petitions are disposed of in the above terms.