
(2020) 08 JH CK 0217

In the Jharkhand High Court

Case No : Writ Petition(C) No.1489 Of 2015

Dilip Kumar Chaterjee

APPELLANT

Vs

Bharat Coking Coal Limited And Ors

RESPONDENT

Date of Decision : 25-08-2020

Acts Referred:

Citation : (2020) 08 JH CK 0217

Hon'ble Judges : Rajesh Shankar, J

Bench : Single Bench

Advocate : Amrendra Pradhan, Nikhil Mehta

Final Decision : Disposed Of

Judgement

1. The present writ petition is taken up today through Video conferencing.
2. The present writ petition has been filed for issuance of direction upon the respondent-Bharat Coking Coal Limited (BCCL) to release the outstanding amount of Rs.1,91,272.53/- along with suitable interest for the work done by the petitioner relating to plantation of 21,000 plants at Bhagabandh Colliery, P.B. Area, which according to the petitioner has been illegally withheld by the authorities of respondent-BCCL.
3. Learned counsel for the petitioner submits that a tender was published by the respondent-BCCL for plantation work at Bhagabandh Colliery, P.B. Area, Dhanbad. The petitioner participated in the said tender and on being successful, was issued work order on 8th July, 1991 for plantation of 21,000 plants at the estimated value of Rs.3,36,420/-. Pursuant to the said work order, an agreement was also executed by the petitioner on 25th September, 1991. During execution of the said work, the petitioner was paid Rs.21,000/- as 1st running bill. Thereafter, a sum of Rs.1,23,608.41/- was also paid to the petitioner as 2nd running bill. The petitioner planted 20,047 plants, possession of which were also handed over to the Project Officer, Bhagabandh Colliery on 31st August, 1994. The report regarding the same was also forwarded to the Deputy Chief Engineer

(C) P.B. Area vide letter dated 31st August/27th September, 1994. Thereafter, no further payment was made to the petitioner in relation to the said work. On repeated demand of the petitioner for payment of admissible dues, the respondent-authorities constituted a committee vide letter No.PBA/P&A/Misc./06/800 dated 13th June, 2006 comprising of the Project Officer-Bhagabandh Colliery, S.E. (C)-P.B. Project, FM(Estb.)-P.B. Area and Area Survey Officer-P.B. Area. The said committee carried out physical verification of the work and submitted its report on 11th January, 2007 observing that the petitioner's claim was genuine and, accordingly, recommendation was made for payment of balance amount. Despite, submission of the said report by the aforesaid committee, authorities of respondent-BCCL did not make the payment of due amount to the petitioner which compelled him to file the present writ petition.

4. Mr. Nikhil Mehta, J.C. to Mr. Anoop Kumar Mehta appearing on behalf of the respondents submits that if the petitioner has not been paid the balance admitted dues in relation to the work in question, the said matter will forthwith be taken up by the respondent no.3 and an appropriate decision shall be taken without further delay.

5. Having heard learned counsel for the parties and keeping in view the nature of the prayer made in the writ petition, without entering into the merit of the case, the respondent no.3 is directed to take appropriate informed decision with regard to the payment of admissible dues to the petitioner for the work in question (unless already paid), after verifying the relevant records and on providing due opportunity of hearing to the petitioner/his representative. If the said respondent finds that the petitioner is entitled to receive the payment of admissible dues in relation to the said work, the same shall be released in favour of the petitioner within a period of four weeks from the date of receipt/production of a copy of this order.

6. The present writ petition is, accordingly, disposed of.