
(2011) 03 JH CK 0042

In the Jharkhand High Court

Case No : Writ Petition (C) No. 3475 of 2010

East India Construction Co.

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 22-03-2011

Acts Referred:

Citation : (2011) 2 JCR 460

Hon'ble Judges : R.K. Merathia, J

Bench : Single Bench

Judgement

R.K. Merathia. J.

1. Mr. Indrajit Sinha, learned Counsel for the Petitioner submitted that the Superintending Engineer and the Chief Engineer asked for allotment of fund for payment of the dues of the Petitioner, but the same has not been received as yet. It is further submitted that the said money claim has not become time barred in view of the said letters (annexures 3 & 4).

2. Counsel for the State submitted that though time was granted for filing counter affidavit on 7.12.2010, and I. A. No. 515 of 2011 was filed on 18.02.2011 for extension of four weeks time for filing affidavit which time has also expired, but Respondents have not sent any instruction to him for filing counter affidavit and in the absence thereof, he is not in a position to accept or controvert the submissions made in the writ petition.

3. In the circumstances, Petitioner is permitted to make a fresh representation before Respondent No. 2--The Secretary, Department of Construction, Govt, of Jharkhand and Respondent No. 3--The Home Secretary, Department of Home, Ranchi. If Petitioner's claim is undisputed, it should be paid. If the claim/part of it is disputed, the reasons thereof should be communicated to the Petitioner. This exercise should be completed as early as possible and preferably within a period of six weeks from the date of receipt of such representation.

4. It is made clear that this Court has not gone into the merits of the claims of the Petitioner.
5. With these observations and directions. this writ petition is disposed of.