
(2018) 03 JH CK 0069
In the Jharkhand High Court
Case No : W.P. (C) No. 3460 of 2008

JAGANNATH PRASAD SINGH

APPELLANT

Vs

EASTERN COALFIELDS LIMITED

RESPONDENT

Date of Decision : 08-03-2018

Acts Referred:

Citation : (2018) 03 JH CK 0069

Hon'ble Judges : ANUBHA RAWAT CHOUDHARY, J

Bench : Single Bench

Advocate : Indrajit Sinha, Rajesh Lala

Final Decision : Dismissed

Judgement

1. This writ petition has been filed by the petitioner for the following reliefs:-Â

(i)For quashing the office order dated 16.01.2008 (Annexure10) issued by the Chief Manager, Mugma Area (respondent no. 5) whereby he has been

pleased to pass a reasoned order as directed by this Court in W.P. (C) No. 2408 of 2007 which was disposed of by Honâ??ble Mr. Justice

N.N.Tiwari vide order dated 19.09.2007 and while disposing of the said claim of the petitioner, the respondent no. 5 has clearly stated that the claim of

the petitioner are not justified and there is no dues which is to be refunded to the petitioner on account of lifting of soft coke/coal.Â

(ii)For a direction upon the respondents to either supply the coal to the tune of 2030 M.T. @ 195.01 per M.T. and in the alternative to refund amount

that has been deposited by the petitioner i.e. Rs. 3, 96,963.68 P. in the office of respondent No. 5 out of which Rs. 1, 32,114.40 has already been paid

by the respondent to the petitioner, as such, the balance of Rs. 2, 66,849.29P. Still pending alongwith interest @ 18% per annum.Â

(iii) For a direction upon the respondents for a suitable compensation in favour of the petitioner as there was lackadaisical attitude of the concerned

respondents for which the petitioner has been compelled to move this Court several times and due to which the petitioner has to spend huge amount

as litigation cost.Â

2. Counsel for the petitioner submits that the respondent while passing the impugned order as contained in Annexure-10 dated 16.01.2008 has

incorrectly mentioned the rates for lifting of coal. Accordingly, the petitioner submits that the impugned order dated 16.01.2008 be quashed and

direction be issued to the respondent to release the amount payable to the petitioner as mentioned in the prayer.Â

3. Counsel for the respondents on the other hand submits that aforesaid contention of the petitioner is not admitted and the dues amount which is

claimed by the petitioner is disputed by the respondent. Counsel for the respondent further submits that the entire amount has already been paid to the

petitioner and nothing is due from the respondents and the impugned order has been rightly passed. Accordingly, this writ petition is not maintainable

and fit to be dismissed.Â Â

4. Considering the facts and circumstances of the case, I am not inclined to entertain this writ petition, particularly in view of the fact that the writ

petition is in the nature of money claim which has been disputed by the respondents. Accordingly, this writ petition is dismissed.Â

5. However, petitioner is at liberty to move before the competent court or authority for realization of its claim in accordance with law.Â Â Â Â Â