
(2020) 02 JH CK 0054

In the Jharkhand High Court

Case No : Writ Petition (PIL) No. 5560, 6276 Of 2018

Rajeev Kumar And Ors

APPELLANT

Vs

State Of Jharkhand And Ors

RESPONDENT

Date of Decision : 28-02-2020

Acts Referred:

Citation : (2020) 02 JH CK 0054

Hon'ble Judges : Sujit Narayan Prasad, J;Ratnaker Bhengra, J

Bench : Divison Bench

Advocate : Rajiv Ranjan, Ritu Kumar, Dheeraj Kumar, Prabhat Kumar Sinha,
Amit Kumar Verma

Judgement

1. Reference may be made to order dated 17.01.2020, whereby and whereunder following order has been passed:

Reference may be made to the order dated 13.12.2019, in pursuance thereto affidavits have been filed by the respondent State of

Jharkhand.Learned Advocate General has submitted that after the affidavit dated 13.12.2019, another affidavit was filed on 08.01.2020.

Learned Advocate General, has drawn attention of this Court to the statements made in the various paragraphs of the affidavit dated

08.01.2020, more particularly, at paragraphs 5, 6 and 7, which reads hereunder as:-

5. That the instant affidavit is being filed in compliance of the order dated 13.12.2019 wherein this Hon'ble Court has directed the

State to file specific affidavit with respect to the status of the DPR for the proposed High Court Building.

6. That it is stated that the concerned consultant Kavita Vij, Managing Architect, Kothari Associates Pvt. Ltd. had submitted the soft copy of

the DPR with the department on 05.01.2020 containing the details of various components viz. (1) IBMS, HVAC & Audio Visual Works (2)

Fire Fighting (3) Electrical & (4) Internal & External Plumbing for technical vetting & discussions with the concerned departments.

7. That it is stated that pursuant to the aforesaid, the Engineer-In-Chief of the Building Construction department vide its letter dated

06.01.2020 had called for a meeting with the concerned departments for technical vetting & discussions from 07.01.2020 to 9. 01.2020 so

that the technical sanction can be obtained for completion of high court building.â??

It has been submitted by learned Advocate General that matter may be posted after two weeks, in the meanwhile, there is every likelihood of

the technical sanction of the DPR and thereafter it would be placed for its administrative approval.

The other affidavit dated 08.01.2020 has been filed by the proposed intervener, the Advocate Association, Jharkhand High Court, the same

may be kept on record.

Let this matter be posted on 07.02.2020. On the said date, the Secretary, Building Construction Department shall appear in person to show

the progress in the matter.

2. Learned Advocate General has submitted that in pursuance to order dated 17.01.2020, an affidavit has been filed on 05.02.2020 duly sworn by

Deputy Secretary, Building Construction Department, Govt. of Jharkhand, Ranchi whereby and whereunder he has demonstrated about certain

progress in the matter to the effect that after appointment of consultant, namely, Kothari Associates Pvt Ltd., Detailed Project Report (DPR) has

been submitted on 05.01.2020 and the power point presentation regarding the DPR of the remaining works of the New High Court Building was given

to the Building Committee of the High Court on 10.01.2020. The Building Committee of this Court, after proper perusal of the same has given consent

to the DPR presented before it. Pursuant thereto, the Engineer-In-Chief, Building Construction Department vide its letter dated 10.01.2020 addressed

to the Secretary, Building Construction Department has stated that the DPR submitted by the consultant pertaining to the construction of the remaining

work of the New High Court Building was vetted by the technical officers of the

Drinking Water and Sanitation Department, Energy Department, JAPIT, Fire Fighting Department and subsequent thereto had submitted the estimates to the tune of Rs. 226,04,08,512/- for administrative approval from the competent authority, as would be evident from letter dated 10.01.2020, annexed as Annexure B to the affidavit dated 05.02.2020.

3. The Secretary, Building Construction Department pursuant to the technical sanction accorded by the Engineer-In-Chief, Building Construction

Department has sent the concerned files, pertaining to the construction of the New High Court Building, for approval to the departmental Minister.

After getting approval of the departmental Minister, the same has been sent to the State Planning Empowered Committee on 03.02.2020 for approval.

4. It has further been stated in the affidavit that after getting approval of the State Planning Empowered Committee, the same would be sent to the

Cabinet for final approval and once Cabinet approves the proposal, Administrative Approval will be accorded to the project of the remaining work of

the New High Court Building and thereafter the tender and agreement process will be finalized, so that work can be initiated and executed.

5. It has been submitted by learned Advocate General that the government is taking the matter very seriously so that remaining work of the New High

Court Building may be completed at an early date.

6. We have heard the petitioners in person and learned Advocate General for the State and after going across the order dated 17.01.2020, has found

therefrom that the learned Advocate General has made an assertion about technical sanction of the DPR and thereafter its administrative approval,

considering the aforesaid submission, the matter was adjourned to be listed on 07.02.2020 with the direction for personal appearance of the Secretary,

Building Construction Department to show the progress in the matter.

7. It appears from the affidavit dated 05.02.2020 that as yet administrative approval has not been obtained, however, learned Advocate General has

submitted that the Government is taking sincere endeavours so that tender and agreement process would be finalized soon.

8. This Court is not happy with the affidavit filed on behalf of State, as till date the DPR is waiting for its approval from the Cabinet.

9. It further appears from order dated 17.01.2020 that the Secretary, Building Construction Department was directed to appear in person to show the

progress in the matter.

10. Learned Advocate General has disclosed the reason for non-appearance of the Secretary on the date fixed which was due to the non availability of the Bench on account of Full Court Reference.

11. We are not happy with such explanation because even accepting that Bench was not available, since there was judicial order, therefore, it was incumbent upon the Secretary to put his appearance even before the Registrar General of this Court.

12. Be that as it may, since as yet the DPR is waiting for its Cabinet approval, therefore, let the Secretary, Building Construction Department, Government of Jharkhand appear in person and apprise this Court about the progress in the matter, on the next date fixed.

13. Let the matter be posted on 06.03.2020.

14. We hope and trust that in the meanwhile, the State would come with the stand about Cabinet approval of the DPR.