
(2004) 03 JH CK 0098

In the Jharkhand High Court

Case No : Writ Petition (PIL) No. 3116 of 2002

Rajneesh Mishra

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 17-03-2004

Acts Referred:

Constitution of India, 1950 — Article 215
Contempt of Courts Act, 1971 — Section 2

Citation : (2004) 2 JCR 608

Hon'ble Judges : P.K. Balasubramanyan, C.J.;Tapen Sen, J

Bench : Division Bench

Advocate : Delip Jerath, Rajiv Ranjan, for the Appellant; M.K. Roy, JC to Sr. S.C. No. II, for the Respondent

Judgement

1. Heard counsel on all sides in the presence of the Chief Engineer and the representatives of the Contractor.
2. Mr. Jerath, learned counsel for the petitioner submits that the undertaking given by the contractor has been breached and action under the Contempt of Courts Act or under Article 215 of the Constitution of India should be taken with reference to I.A. No. 154 of 2004 filed by him in that behalf. The learned Government Counsel instructed by the Chief Engineer submits that the work of erecting the Dais, wood work, plaster work, approach road work, grill work, Hazat work, bathroom work and other miscellaneous works are still to be completed and that there is no sincere attempt to complete the work. Counsel on behalf of the Contractor tries to trot out the lame excuse of paucity of fund, a plea which we cannot accept in the circumstances when in a contract involving a sum of around Rs. 7.5 crores, the contractor has already been paid more than Rs. 6.00 crores (six crores). Moreover, when a contractor undertakes a work of this nature involving such a huge amount, it is normally expected that he would have the wherewithal to arrange finances for undertaking the work.
3. Strictly speaking, Mr. Jerath is justified in insisting that action in contempt

must be taken against the contractor here and now. But by way of last chance, we are inclined to give him some more time to complete the work. The matter is adjourned to 7.4.2004. If it is found by that time that there is no sufficient progress in the work and no sincere attempt has been made to complete the work with a view of deliver the possession of the building, the prayer for taking action against the contractor will be considered.

4. Post this case on 7.4.2004.

5. Let a copy of this order be given to counsel appearing on behalf of the parties.