

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1522 of 2011

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1. M/S Bhojpur Engineering Works Pvt.Limited, a SSI Unit in the State of Bihar having Its Registered Office at Church Road (West), opposite Red-Cross Building, Gaya-823001 through its Director, Sri Ashok Kumar S/O Sri Rama Shanker Tiwary, R/O Mohalla- Gayawal Bigha, P.S.- Gaya, Distt.- Gaya, Bihar

2. Sri Ashok Kumar S/O Sri Rama Shanker Tiwary R/O Mohalla- Gayawal Bigha, P.S.- Gaya, Distt.- Gaya

.... Petitioner/s

Versus

1. The Bihar State Electricity Board, Patna through its Chairman, BSEB Board, Vidyut Bhawan, Bailey Road, Patna-1

2. The Chairman, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna-1

3. The Member (Finance), Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna-1

4. The Chief Engineer (Purchase), Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna-1

5. The Jharkhand State Electricity Board, Ranchi through its Chairman, JSE Board, Engineering Building Dhurwa, Ranchi- 834004

6. The Chairman, Jharkhand State Electricity Board, Engineering Building Dhurwa, Ranchi- 834004

7. The Member (Finance), Jharkhand State Electricity Board, Engineering Building, Dhurwa, Ranchi- 834004

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dr. Manoranjan Prasad Singh, Advocate
Mr.Amrendra Kumar Pathak, Advocate

For the Respondent Nos. 1 to 4 : Mr. Vinay Kirti Singh, Advocate

For the Respondent Nos. 5 to 7 : None

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 22-06-2015

Heard learned counsel for the petitioners and learned counsel appearing on behalf of the respondent nos. 1 to 4. However, none appears on behalf of the respondent nos. 5 to 7 though the name of the learned counsel appearing on their behalf is printed in the daily cause list.

2. By order dated 25.02.2011 passed by a Bench of this Court, the learned counsel appearing on behalf of the respondent nos. 5 to 7 was granted four weeks' time for filing

counter affidavit on their behalf so that the matter is finally disposed of, if possible, at the stage of admission itself. The learned counsel appearing on behalf of the respondent nos. 1 to 4 was also directed to file a counter affidavit by the aforesaid order dated 25.02.2011.

3. In compliance of the aforesaid order, a counter affidavit on behalf of the respondent nos. 1 to 4 has been filed taking a plea that the grievances of the petitioners against the respondent nos. 1 to 4 have already been redressed and they have forwarded the bills of the petitioners to the Secretary, Jharkhand State Electricity Board for payment of lawful dues and now no claim of the petitioners is surviving against the respondent nos. 1 to 4. The facts pleaded in the aforesaid counter affidavit are not being disputed by the learned counsel appearing on behalf of the petitioners.

4. Unfortunately, despite aforesaid order dated 25.02.2011 no counter affidavit has been filed on behalf of the respondent nos. 5 to 7. As noticed above, none has appeared on their behalf either.

5. In the aforesaid factual matrixes of the case and in view of nature of claims raised on behalf of the petitioners, as enumerated in paragraph 1 of the writ petition, this Court is of the opinion that no useful purpose shall be served by keeping the present matter pending any longer. However, in the given facts of the case, this Court is further of the opinion that the interest of justice shall be subserved if the petitioners are granted liberty to file a comprehensive representation before the respondent no. 6 (The Chairman, Jharkhand State Electricity Board, Engineering Building, Dhurwa, Ranchi- 834004) with all supporting

documents, raising all the pleas which have been raised in the present writ petition. It is ordered accordingly.

6. If such a comprehensive representation is filed on behalf of the petitioners within a period of four weeks from today with a certified copy of the present order, then the respondent no.6 either himself or any other competent authority of the respondent Jharkhand State Electricity Board, Ranchi or its Successor Body/Company shall be obliged to consider and decide the claims of the petitioners by a reasoned and speaking order at an early date preferably within a period of three months from the date of filing of such representation.

7. If on consideration of the materials, the competent authority of the respondent Jharkhand State Electricity Board, Ranchi or its successor Body/Company comes to a conclusion that the claims raised in behalf petitioners are admissible to them, then consequential order shall also be issued for grant of such claims to the petitioners without any unnecessary further delay.

8. It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioners since no counter affidavit has been filed on behalf of the respondent nos. 5 to 7 and none is appearing on their behalf despite name of the learned counsel is printed in the daily cause list, and hence it is left to be decided by the competent authority strictly in accordance with law.

9. The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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