

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2609 of 2011

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M/S Jay Elctronics through its Proprietor Sri Pradeep Poddar S/O Late Madan Poddar, resident of Village- Supaul Bazar, P.S- Birol, Dist- Darbhanga.

.... Petitioner/s

Versus

1. The Union of India through the Secretary Deptt. of Industries, New Delhi.
2. The Managing Director, IFFCO, IFFCO Sadan Saket, New Delhi.
3. The Manager, IFFCO, Jai Prakash Bhawan, Dak Bungalow, Road, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate
Mr.S.K.Sharaf, Advocate

For the Respondent/s : Mrs. Kanak Verma, CGC

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 18-05-2015

Heard the parties.

Though this writ petition was filed way back on 09.02.2011 and through the respondents are represented by learned Central Government Counsel, yet despite passage of more than four years, counter affidavit has not been filed on behalf of the respondents controverting the claims raised on behalf of the petitioner in the present writ petition.

When the matter has been taken up for consideration on merits, learned Central Government Counsel submits that this is an old matter, therefore, matter will have to be enquired into and only thereafter counter affidavit can be filed.

In view of the nature of claims raised on behalf of the petitioner in the present writ petition, this Court is of the opinion that instead of keeping the matter pending before this Court awaiting counter affidavit from the respondents, the interest of justice shall be subserved if the petitioner is granted liberty to

file a comprehensive representation before the respondent no.2 with all supporting documents, raising all the pleas which have been raised in the present writ petition. It is ordered accordingly.

If such a comprehensive representation is filed on behalf of the petitioner within a period of one month from today with a certified copy of the present order, then the respondent no.2 shall be obliged to consider and decide the claim (s) of the petitioner 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.

If on consideration of the materials, the respondent no.2 or any other competent authority, comes to a conclusion that the claims raised in behalf petitioner are admissible, then consequential order shall also be issued for grant of such admissible claims to the petitioner without any unnecessary further delay.

It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner and it is left to be decided by the competent authority strictly in accordance with law.

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

(Birendra Prasad Verma, J)

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