IN THE HIGH COURT OF JHARKHAND AT RANCHI

Commercial Appeal No. 10 of 2020

Executive Engineer, Water Ways Division No.1, Chakradharpur, Water Resources Department, Government of Jharkhand ..... **Appellant**

Versus

M/s Modi Project Ltd., Kanke Road, Ranchi .... **Respondent**

CORAM: HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR
HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Appellant : Mr. Sachin Kumar, AAG-II
For the Respondent : Mr. Ajit Kumar, Sr. Advocate
Mr. Shresth Gautam, Advocate

Order No. 11 /Dated: 29th August 2023

Mr. Ajit Kumar, the learned senior counsel for the respondent has at the outset raised an issue based on the provisions under Order VI Rule 15 of the Code of Civil Procedure. However, on a pointed query from the Court on instructions from Mr. Shresth Gautam, the learned counsel for the respondent a statement is made before the Court that genuineness of any of the documents produced in the present proceedings is not disputed.

2. Mr. Sachin Kumar, the learned Additional Advocate General has also raised a question on the authority of the person who is opposing the present Commercial Appeal on behalf of the respondent.

3. We may also indicate that today is the 11th date of hearing of this Commercial Appeal.

4. In the aforesaid circumstances, we have heard both the parties.

5. Mr. Ajit Kumar, the learned senior counsel for the appellant has relied on the following judgments:

(i) *"Steel Authority of India Ltd. V. J.C.Budharaja" (1999) 8 SCC 122,*

(ii) *"State of Goa v. Praveen Enterprises" (2012) 12 SCC 581,*

(iii) *"Ssangyong Engineering & Construction Company Ltd. V. NHAI" (2019) 15 SCC 131*, and

(iv) *"Union of India v. Manraj Enterprises" (2022) 2 SCC 331.*

6. In support of his contention, the learned Additional Advocate General has referred to the following judgments:

(i) *"General Manager, Northern Railway & Anr. v. Sarvesh Chopra" (2002) 4 SCC 45*, and

(ii) *"Mcdermott International INC v. Burn Standard Co. Ltd. & Ors." (2006) 11 SCC 181*.

7. Judgment reserved.

(Shree Chandrashekhar, J.)

(Anubha Rawat Choudhary, J.)

Sudhir/Mukul