

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 36 of 2021

M/s Vandri Industrial Engineers, Ranchi, through its proprietor, Satish Choudhary
 @ Satish Kumar Choudhary @ Satish Kumar Petitioner

Versus

1. The State of Jharkhand
2. The Principal Secretary, Labour, Employment & Training Department,
Government of Jharkhand, Ranchi
3. The Chief Inspector of Factories, Jharkhand, Ranchi
4. Gopal Kumar Respondents

CORAM**HON'BLE MR. JUSTICE RAJESH SHANKAR**

For the Petitioner: Mr. Krishna Murari
 For the State: Mr. J. F. Toppo, S.C-VII

03/10.08.2021 The case is taken up through Video Conferencing.

I.A. No. 3058/2021

The present interlocutory application has been filed on behalf of the petitioner seeking stay of operation of the impugned order as contained in letter No. 790 dated 14.08.2020 (Annexure-12 to the writ petition) issued by the respondent No.3 whereby Competency Certificate No. JH/CIF/7/Com. 1046/2015 dated 03.02.2020 (Annexure-6 to the writ petition), earlier issued to it, has arbitrarily been cancelled resulting to stoppage of all works which has adversely affected the livelihood of the employees of the petitioner-firm.

Mr. Krishna Murari, learned counsel for the petitioner, submits that the petitioner was issued show-cause notice as contained in letter No. 734 dated 28.07.2020 by the respondent No.3 on two points. Firstly that the letter dated 04.12.2017 along with the supporting application was submitted by Satish Kumar Choudhary for renewal of the competency certificate, but the description of the organisation was mentioned as M/s Vandri Industrial Engineers Private Limited. Secondly that letter No. 28.11.2019 along with the supporting application was submitted by Satish Choudhary for renewal of the said competency certificate, but the description of the organisation was mentioned as M/s Vandri Industrial Engineers. In response to the said show cause notice, the petitioner submitted its clarification/explanation vide letter dated 12.08.2020

stating inter alia that Satish Kumar, Satish Choudhary and Satish Kumar Choudhary are the same person. At present he is known as Satish Choudhary as he has changed his surname through proper documentation at the Court and publishing the same in the local newspapers. The intimation to that effect was already given to the office of the respondent No.3 in the year 2013 itself. So far as the issue with regard to difference in the name of the firm/company i.e. M/s Vandt Industrial Engineers and M/s Vandt Industrial Engineers Private Limited is concerned, it was stated inter alia that former is a proprietorship firm which was sought to be upgraded to a Private Limited Company, but due to certain documentation problems, it was decided to continue with the said proprietorship firm in the name of M/s Vandt Industrial Engineers. Despite submitting the said clarification/explanation, the respondent No.3 without making any discussion over the same, revoked the said competency certificate in an arbitrary manner vide the impugned letter dated 14.08.2020. The petitioner had neither misrepresented nor had played any fraud while applying for renewal of the said competency certificate and revocation of the same has jeopardised the livelihood of the employees of the petitioner-firm. Hence, operation of the impugned letter dated 14.08.2020 may be stayed, during pendency of the present writ petition.

Mr. J. F. Toppo, learned S.C-VII appearing on behalf of the respondent Nos. 1 to 3, while opposing the petitioner's prayer for grant of interim relief, submits that the impugned letter dated 14.08.2020 issued by the respondent No.3 itself indicates that the petitioner had misrepresented before the respondent No.3 while making application for renewal of the said competency certificate.

Having heard learned counsel for the parties and on perusal of the contents of the present writ petition as well as interlocutory application, I am of the view that the petitioner has been able to make out a prima facie case in its favour. Moreover, if the impugned letter dated 14.08.2020 issued by the respondent No.3 is not stayed, the same will cause irreparable loss and injury to

the petitioner-firm including its employees. Hence, operation of the impugned order as contained in letter No. 790 dated 14.08.2020 (Annexure-12 to the writ petition) issued by the respondent No.3 shall remain stayed, during pendency of the present writ petition.

The present interlocutory application stands disposed of.

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Learned counsel appearing on behalf of the respondent Nos. 1 to 3 prays for and is allowed four weeks' more time to file counter affidavit on behalf of the said respondents.

Put up this case after four weeks under appropriate heading.

Satish/-

(RAJESH SHANKAR, J)