

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No.1570 of 2019**

Eastern Coalfields Limited through General Manager,
Mugma Area, Nirsa, Dhanbad. Petitioner.

-Versus-
Valley Refractories & Ors. Respondents.

CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Mr. Rajesh Lala, Advocate
For the Respondents:

Order No.08

Date: 22.03.2022

I.A. No.9938 of 2019:

The present interlocutory application has been filed on behalf of the petitioner for deleting the name of the respondent no.5.

Learned counsel for the petitioner submits that Sri Sapan Sengupta was arrayed as respondent no.5 in the present writ petition in the capacity of Director, M/s. Valley Refractories Ltd., having its office at Maithon, P.O. Maithon, P.S. Chirkunda, District Dhanbad.

Vide order dated 25th July, 2019, notices were issued to all the respondents through both process and further proceeding of Title Suit No.169 of 2006, pending in the court of Civil Judge (Junior Division)-II, Dhanbad, was stayed. The report of the notices issued to the respondents suggests that the same were validly served to the respondent nos.1 to 4, whereas the notice issued to the respondent no.5- Sapan Sengupta was not served, as he had left the job, and thereafter his whereabouts was not known. It is further submitted that Sri Suresh Agarwalla, who has been arrayed as respondent no.3 in the present writ petition, is presently holding the post of full time Director of M/s Valley Refractories Ltd. Under the said circumstance, the name of Sri Sapan Sengupta representing the respondent no.5 may be deleted and the said respondent may be allowed to be arrayed in the official capacity i.e. "Director, M/s. Valley Refractories Ltd., having its office at Maithon, P.O. Maithon, P.S. Chirkunda, District Dhanbad".

Nobody appears on behalf of the respondent nos.1 to 4.

Having heard learned counsel for the petitioner and for the reasons stated in the present interlocutory application, the name of Sri Sapan Sengupta mentioned as Director of M/s. Valley Refractories Ltd.,

who was arrayed as respondent no.5, is permitted to be deleted. However, the "Director, M/s. Valley Refractories Ltd., having its office at Maithon, P.O. Maithon, P.S. Chirkunda, District Dhanbad" shall continue to be arrayed as the respondent no.5 in the present writ petition.

I.A. No.9938 of 2019 is, accordingly, disposed of.

W.P.(C) No.1570 of 2019:

Learned counsel for the petitioner undertakes to make necessary amendment in the cause title of the writ petition in course of the day.

Issue fresh notice to the respondent no.5- Director, M/s. Valley Refractories Ltd., having its office at Maithon, P.O. Maithon, P.S. Chirkunda, District Dhanbad under registered cover with A/D for which requisites etc. must be filed within a week.

Rule is made returnable after four weeks.

Sanjay/

(Rajesh Shankar, J.)