



IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 1280 of 2016

M/s Vishwesaraiya Construction & Anr.

... .. Petitioners

Versus

The State of Jharkhand & Ors.

... .. Respondents

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the Petitioners : Mr. Mahesh Tewari, Advocate

For the Respondents : Mr. Sachin Kumar, AAG II

23/Dated: 25th March, 2026

1. Various orders have been passed based upon the submissions made on behalf of parties i.e., with respect to disbursement of the amount, based upon the measurement of work as recorded in the Measurement Book.
2. Mr. Mahesh Tewari, learned counsel for the petitioner has submitted that the matter which needs to be considered is very much apparent from paragraph 17 of the order dated 8th February, 2022 passed by the Co-ordinate Division Bench in L.P.A. No. 497 of 2019.
3. This Court has gone through the aforesaid order passed in L.P.A. No. 497 of 2019 in particular paragraph 17 and found therefrom that a question of claim for escalation has been considered by the Division Bench having not been considered by the learned writ Court and for the aforesaid reason, the matter has been remitted before the learned Single Judge.



4. It has been submitted that the factual aspect has also been referred herein by taking note of paragraph 12 of the agreement, as was appended as Annexure 7, which has been executed after allotment of the fund and based upon that the work order was issued on 31st July, 2008. The estimate for the work under the contract was to be prepared on the basis of schedule of rate of 2007. The financial approval and the administrative approval for the work under contract was given on 10th January, 2011 by the Principal Secretary of the Department. The allotment of funds was made till 2014-15 though the schedule time for completion of work was 30th January, 2010.
5. In view thereof, the question which requires consideration that based upon the aforesaid fact, whether the contractor is entitled for escalation in price or not?
6. Mr. Sachin Kumar, learned AAG-II has submitted that he is not ready on the aforesaid issue today, as such prayer for adjournment of two weeks' has been sought.
7. As prayed by learned counsel for the respondents, list this case after two weeks' on 15th April, 2026.

(Sujit Narayan Prasad, J.)

25th March, 2026
Alankar/-