



CGHC010137812025

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1953 of 2025

1 - M/s S. S. Mining Jv Company Through Its Authorised Signatory, Having Its Head Office At 7th Floor, Corporate Tower, Ambience Mall, Nh-8, Gurugram, Haryana

2 - M/s Sindhu Trade Links Ltd., A Company Duly Registered Under The Provisions Of The Companies Act, 1956, Registered Office At 129, Transport Centre, New Rohtak Road, Punjabi Bagh, New Delhi.

3 - M/s Sainik Mining And Allied Services Ltd., A Company Duly Registered Under The Provisions Of The Companies Act, 1956, Registered Office At 129, Transport Centre, New Rohtak Road, Punjabi Bagh, New Delhi.

... Petitioners

versus

1 - South Eastern Coalfields Ltd., Through Its Chairman-Cum-Managing Director, Headquarter, Seepat Road, Bilaspur, Chhattisgarh.

2 - General Manager (Operation), South Eastern Coalfields Ltd., Kusmunda Area, Kusmunda Colliery, District Korba, Chhattisgarh.

3 - General Manager (Area/mining), South Eastern Coalfields Ltd., Kusmunda Area, Kusmunda Colliery, District Korba, Chhattisgarh.

4 - Area Finance Manager, South Eastern Coalfields Ltd., Kusmunda Area, Kusmunda Colliery, District Korba, Chhattisgarh.

5 - Staff Officer (Mining), Office Of General Manager (Area/mining), South Eastern Coalfields Ltd., Kusmunda Area, Kusmunda Colliery, District Korba, Chhattisgarh.

... Respondents

For Petitioners	:	Mr. Amrito Das, Sr. Adv. with Mr. Manee Ram Yadav, Adv.
For Respondents	:	Mr. Vaibhav Shukla, Adv.

Hon'ble Mr. Krushna Ram Mohapatra, Chief Justice

Hon'ble Mr. Santosh Sharma, Judge

Order on Board

Per : Krushna Ram Mohapatra, Chief Justice

30/09/2026

1 Heard learned counsel for the parties.

2 The petitioners, in this writ petition, pray for the following reliefs:-

“A. This Hon'ble Court may kindly be pleased to call for records from the respondents for its kind perusal.

B. This Hon'ble Court may kindly be pleased to issue an appropriate writ quashing and setting aside the order dated 25.03.2025 (ANNEXURE P-1) to the extent it seeks to effect recovery of the additional financial impact to the tune of Rs. 19.13 crores.

C. This Hon'ble Court may kindly be pleased to issue an appropriate writ holding that the invocation of bank guarantee vide letter dated 25.03.2025 (ANNEXURE P-24) was illegal and arbitrary

D. This Hon'ble Court may kindly be pleased to issue an appropriate writ quashing and setting aside the letter of invocation of bank guarantee dated 25.03.2025 (ANNEXURE P-24) and directing the respondents to refund the petitioners the amount illegally recovered under the bank guarantee which was encashed vide letter dated 25.03.2025 with interest @ 18% from the date of receipt of the said amount till the date of return to the petitioners.

E. This Hon'ble Court may kindly be pleased to issue an appropriate writ directing the respondents to make payment of the outstanding dues to the petitioners in addition to releasing the security deposit and refunding the amount of bank guarantee realized along with interest @ 18% from the date it fell due till the date of actual payment.

F. Grant any other or further reliefs that this Hon'ble Court may deem fit in light of the facts and circumstances of the present case.

G. Grant the cost of the petition to the Petitioner.”

3 In course of hearing, Mr. Amrito Das, learned Sr. counsel appearing on behalf of the petitioners, brings to the notice of this Court Claus 13 of the General Conditions of Contract, which deals with settlement of disputes. It specifically stipulates that, in case of parties other than Govt. Agencies, the redressal of the dispute may be sought through Arbitration [Arbitration and Conciliation Act, 1996 (for brevity, 'Arbitration Act') as amended by the Amendment Act of 2015]. In view of the above, he submits that he has no objection to take shelter under the provisions of the Arbitration Act.

4 Mr. Das, learned Sr. Counsel, however, submits that, considering the case of the petitioners, interim order was granted by this Court vide order dated 6-5-2025. The same may continue till the petitioner moves an application under Section 9 of the Arbitration Act before the designated Court.

- 5 Mr. Vaibhav Shukla, learned Counsel for the respondents, however, submits that he has no objection, if the petitioner seeks remedy under the Arbitration Act, but the interim order should not be extended. He may avail remedy under Section 9 of the Arbitration Act for any interim relief.
- 6 Taking note of the submission made by learned counsel for the parties and that the petitioner/company is willing to avail the remedy under the provisions of the Arbitration Act, this Court disposes of the writ petition with an observation that, the petitioner, if so advised, may avail remedy under the provisions of the Arbitration Act. He may also file an application under Section 9 of the Arbitration Act before the designated Court within a period of 30 days. No coercive action against the petitioner shall be taken for a period of 45 days to enable the petitioner to move an application under the Arbitration Act.
- 7 With the aforesaid observations and directions, this writ petition is disposed of accordingly.
- 8 If any application is moved under Section 9 of the Arbitration Act, the same shall be disposed of on its own merit after hearing the parties concerned without being influenced by any observation or direction made by this Court.

Sd/-

(Santosh Sharma)
Judge

Sd/-

(Krushna Ram Mohapatra)
Chief Justice

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