

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16299 of 2012

=====

M/s Rajat Fuel Product Corporation, a proprietorship concern having its place of business at Kurari, G.T. Road, Karmnasa, Bhabhua, District Kaimur through its proprietor, Ashok Kumar Singh, S/O Late Digambar Singh, R/O Gandhi Nager East, Matwari, P.S.- Sadar Hazaribagh, District- Hazaribagh

.... Petitioner

Versus

1. The Central Coal Fields Ltd., a Subsidiary of Coal India Ltd. (Sales & Marketing Department) Darbhanga House, Ranchi through its Chairman-Cum-Managing Director

2. The General Manager (Sales & Marketing), Central Coal Fields Ltd., Darbhanga House, Ranchi

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Alok Kumar Agarwal, Adv.

For the Respondents : Mr. Vishwa Mohan Kumar Sinha, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 18-08-2016

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The present writ petition has been filed for a direction to the respondents to refund, along with interest, the amount of the difference between the Notified Price of Coal on which it was supplied to the petitioner being linked consumers and the e-weighted/e-auction price which was actually realized from the petitioner for the months of April, 2005 to August, 2005, which has been withheld by the respondents despite the various decisions of the Supreme Court.

3. At the very outset, this Court takes note that admittedly the petitioner has rushed to this Court without having first approached the respondents for appropriate relief in respect of the grievances

raised in the present writ petition.

4. In the above view of the matter, no interference is called for by this Court. The writ petition stands dismissed with liberty to the petitioner to approach the General Manager (respondent no. 2) with representation, which if done within a period of four weeks from the date of receipt/production of a copy of this judgment, the respondent no. 2 shall consider the same and after grant of opportunity of hearing to the petitioner, dispose of the same by a speaking order in accordance with law, expeditiously, and preferably within a period of twelve weeks thereafter. The petitioner shall cooperate in such disposal.

5. It is made clear that this Court is not expressing any opinion on the merits of the claim of the petitioner nor considering any other issues including jurisdiction.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	19.08.2016
Transmission Date	N.A.