

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (C) No.542 of 2016

1. G. R. Sponge and Power Ltd. A Company Under The Companies Act 1956 And The Companies Act 2013 (As Applicable), Having Its Registered Office At Agrawal Complex, Samta Colony, Tehsil & District Raipur, (Chhattisgarh) Through Its Authorized Signatory Prashant Laharia, Aged About 40 Years, S/o Shri C.L. Laharia, R/o B- 602, Ashoka Ratan, Shankar Nagar, P.O. Shankar Nagar, Police Station : Mowa, District Raipur (Chhattisgarh)
2. Chhattisgarh Sponge Manufacturers Consortium Coalfields Pvt. Ltd. A Company Under The Companies Act 1956 And The Companies Act 2013 (As Applicable), Having Its Registered Office At Room No. 218, 2nd Floor, Lalganga Midas, Bilaspur Road, Fafadih, Tehsil & District Raipur, Chhattisgarh Through Its Authorized Signatory Sanat Kumar Joshi, Aged About 50 Years, S/o Shri P.C. Joshi, R/o Dindayal Nagar (Gudiary), P.O. W.R.S. Colony, P.S. Khamtarai, District Raipur (Chhattisgarh)
3. Deavnara Coal Fields Pvt. Ltd., A Company Under The Companies Act, 1956 And The Companies Act 2013 (As Applicable), Having Its Registered Office At Room No. 219, IInd Floor, Lalganga Midas, Bilaspur Road, Fafadih, Raipur, Chhattisgarh, Through Its Authorized Signatory Sanat Kumar Joshi, Aged About 50 Years, S/o Shri P.C. Joshi, R/o Pt. Dindayal Nagar (Gudiary), P.O. W.R.S. Colony, P.S. Khamtarai, District Raipur (Chhattisgarh)

---- Petitioners

versus

1. Union of India, Ministry of Coal, Through Its Secretary, Shastri Bhawan, New Delhi
2. State of Chhattisgarh, Through The Secretary, Department of Industries, Mahanadi Bhawan, Mantralaya, Naya Raipur (Chhattisgarh)
3. South Eastern Coalfields Ltd. Through Its Chairman and Managing Director, Seepat Road, P.O. SECL, Tahsil & District Bilaspur, 495006 (Chhattisgarh)
4. Coal India Ltd, through its CMD, 10, Netaji Subhash Road, Kolkata

---- Respondents

Writ Petition (C) No.544 of 2016

1. Drolia Electro Steels Pvt. Ltd. A Company Under The Companies Act 1956 And The Companies Act 2013 (As Applicable), Having Its Registered Office 620, Maker Chambers V, Nariman Point, Mumbai-400021, Maharashtra, Through Its Authorized Signatory Prashant Laharia, Aged About 40 Years, S/o Shri C.L. Laharia, R/o B- 602, Ashoka Ratan, Shankar Nagar, P.O. Shankar Nagar, Police Station: Mowa, District Raipur (Chhattisgarh)

2. Chhattisgarh Sponge Manufacturers Consortium Coalfields Pvt. Ltd. A Company Under The Companies Act 1956 And The Companies Act 2013 (As Applicable), Having Its Registered Office At Room No. 218, 2nd Floor, Lalganga Midas, Bilaspur Road, Fafadih, Tehsil & District Raipur, Chhattisgarh. Through Its Authorized Signatory Sanat Kumar Joshi, Aged About 50 Years, S/o Shri P.C. Joshi, R/o Pt. Dindayal Nagar (Gudiary), P.O. W.R.S. Colony, P.S. Khamtarai, District Raipur (Chhattisgarh)
3. Deavnara Coal Fields Pvt. Ltd., A Company Under The Companies Act, 1956 And The Companies Act 2013 (As Applicable), Having Its Registered Office At Room No. 219, IInd Floor, Lalganga Midas, Bilaspur Road, Fafadih, Raipur, Chhattisgarh, Through Its Authorized Signatory Sanat Kumar Joshi, Aged About 50 Years, S/o Shri P.C. Joshi, R/o Pt. Dindayal Nagar (Gudiary), P.O. W.R.S. Colony, P.S. Khamtarai, District Raipur (Chhattisgarh)

---- Petitioners

versus

1. Union of India, Ministry of Coal, through its Secretary, Shastri Bhawan, New Delhi
2. State of Chhattisgarh, through the Secretary, Department of Industries, Mahanadi Bhawan, Mantralaya, Naya Raipur (Chhattisgarh)
3. South Eastern Coalfields Ltd. through its Chairman and Managing Director, Seepat Road, P.O. SECL, Tahsil & District Bilaspur, 495006 (Chhattisgarh)
4. Coal India Ltd, through its CMD, 10, Netaji Subhash Road, Kolkata

---- Respondents

Writ Petition (C) No.548 of 2016

1. Drolia Electro Steels Pvt. Ltd. A Company Under The Companies Act 1956 And The Companies Act 2013 (As Applicable), Having Its Registered Office 620, Maker Chambers V., Nariman Point, Mumbai 400021, Maharashtra, Through Its Authorized Signatory Prashant Laharia, Aged About 40 Years, S/o Shri C.L. Laharia, R/o B 602, Ashoka Ratan, Shankar Nagar, P.O. Shankar Nagar, Police Station Mowa, District Raipur, Chhattisgarh
2. Chhattisgarh Sponge Manufacturers Consortium Coalfields Pvt. Ltd. A Company Under The Companies Act 1956 And The Companies Act 2013 (As Applicable), Having Its Registered Office At Room No. 218, 2nd Floor, Lalganga Midas, Bilaspur Road, Fafadih, Tehsil & District Raipur Chhattisgarh Through Its Authorized Signatory Sanat Kumar Joshi, Aged About 50 Years, S/o Shri P.C. Joshi, R/o Pt. Dindayal Nagar (Gudiary), P.O. W.R.S. Colony, P.S. Khamtarai, District Raipur, Chhattisgarh
3. Deavnara Coal Fields Pvt. Ltd. A Company Under The Companies Act 1956 And the Companies Act 2013 (As Applicable), Having Its Registered Office At Room No. 219, IInd Floor, Lalganga Midas, Bilaspur Road, Fafadih, Raipur Chhattisgarh Through Its Authorised

Signatory Sanat Kumar Joshi, Aged About 50 Years, S/o Shri P.C. Joshi, R/o Pt. Dindayal Nagar, (Gudiary) P.O. W.R.S. Colony P.S. Khamtarai, District Raipur, Chhattisgarh

---- **Petitioners**

versus

1. Union of India, Ministry of Coal, through its Secretary, Shastri Bhawan, New Delhi
2. State of Chhattisgarh through the Secretary, Department of Industries, Mahanadi Bhawan, Mantralaya, Naya Raipur, Chhattisgarh
3. South Eastern Coalfields Ltd. Through Its Chairman And Managing Director, Seepat Road, P.O. S.E.C.L. Tahsil And District Bilaspur 495006, Chhattisgarh
4. Coal India Lt. through its C.M.D. 10, Netaji Subhash Road, Kolkata

---- **Respondents**

Writ Petition (C) No.549 of 2016

1. Real Ispat & Power Ltd. A Company Under The Companies Act 1956 And The Companies Act 2013 (As Applicable), Having Its Registered Office At Urla Bendri, Village Borjhara, District Raipur Chhattisgarh Through Its Authorized Signatory Prashant Laharia Aged About 40 Years, S/o Shri C.L. Laharia, R/o B 602, Ashoka Ratan, Shankar Nagar, P.O. Shankar Nagar, Police Station Mowa, District Raipur, Chhattisgarh
2. Chhattisgarh Sponge Manufacturers Consortium Coalfields Pvt. Ltd. A Company Under The Companies Act 1956 And The Companies Act 2013 (As Applicable), Having Its Registered Office At Room No. 218, 2nd Floor, Lalganga Midas, Bilaspur Road, Fafadih, Tehsil & District Raipur Chhattisgarh Through Its Authorized Signatory Sanat Kumar Joshi, Aged About 50 Years, S/o Shri P.C. Joshi, R/o Pt. Dindayal Nagar (Gudiary), P.O. W.R.S. Colony, P.S. Khamtarai, District Raipur, Chhattisgarh
3. Deavnara Coal Fields Pvt. Ltd. A Company Under The Companies Act 1956 And the Companies Act 2013 (As Applicable), Having It Registered Office At Room No. 219, IInd Floor, Lalganga Midas, Bilaspur Road, Fafadih, Raipur Chhattisgarh Through Its Authorised Signatory Sanat Kumar Joshi, Aged About 50 Years, S/o Shri P.C. Joshi, R/o Pt. Dindayal Nagar, (Gudiary) P.O. W.R.S. Colony P.S. Khamtarai, District Raipur, Chhattisgarh

---- **Petitioners**

versus

1. Union of India, Ministry of Coal, through its Secretary, Shastri Bhawan, New Delhi
2. State of Chhattisgarh through the Secretary, Department of Industries, Mahanadi Bhawan, Mantralaya, Naya Raipur, Chhattisgarh

3. South Eastern Coalfields Ltd. through its Chairman And Managing Director, Seepat Road, P.O. S.E.C.L. Tahsil And District Bilaspur 495006, Chhattisgarh
4. Coal India Ltd. through its C.M.D., 10, Netaji Subhash Road, Kolkata

---- Respondents

and

Writ Petition (C) No.580 of 2016

1. Api Ispat & Powertech P. Ltd. A Company Under The Companies Act 1956 And The Companies Act 2013 (As Applicable), Having Its Registered Office At D - 14, Udyog Nagar, Main Rohtak Road, New Delhi 110041, Through Its Authorized Signatory Prashant Laharia, Aged About 40 Years, S/o Shri C. L. Laharia, R/o B - 602, Ashoka Ratan, Shankar Nagar, P.O. Shankar Nagar, Police Station Mowa, District Raipur (Chhattisgarh)
2. Chhattisgarh Sponge Manufacturers Consortium Coalfields Pvt. Ltd. A Company Under The Companies Act 1956 And The Companies Act 2013 (As Applicable), Having Its Registered Office At Room No. 218, 2nd Floor, Lalganga Midas, Bilaspur Road, Fafadih, Tehsil & District Raipur, Chhattisgarh Through Its Authorized Signatory Sanat Kumar Joshi, Aged About 50 Years, S/o Shri P. C. Joshi, R/o Pt. Dindayal Nagar (Gudiary), P. O. W. R. S. Colony, P. S. Khamtarai, District Raipur, Chhattisgarh
3. Deavnara Coal Fields Pvt. Ltd., A Company Under The Companies Act 1956 And The Companies Act 2013 (As Applicable), Having Its Registered Office At Room No.219, IInd Floor, Lalganga Midas, Bilaspur Road, Fafadih, Raipur Chhattisgarh, Through Its Authorized Signatory Sanat Kumar Joshi, Aged About 50 Years, S/o Shri P. C. Joshi, R/o Pt. Dindayal Nagar (Gudiary), P. O. W. R. S. Colony, P. S. Khamtarai, District Raipur, Chhattisgarh

---- Petitioners

versus

1. Union of India, Ministry of Coal, through its Secretary, Shastri Bhawan, New Delhi
2. State of Chhattisgarh, through the Secretary, Department of Industries, Mahanadi Bhawan, Mantralaya, Naya Raipur, Chhattisgarh
3. South Eastern Coalfields Limited, through its Chairman and Managing Director, Seepat Road, P.O. SECL, Tahsil & District Bilaspur, 495006, Chhattisgarh
4. Coal India Limited, through its CMD, 10, Netaji Subhash Road, Kolkata

---- Respondents

For Petitioners	: Shri Aashish Anand Bernard, Shri Sandeep Sinha and Shri Rakesh Sahu, Advocates
For Respective Respondents	: Shri Narendra Kumar Vyas, Assistant Solicitor General, Shri Raj Kumar Gupta, Deputy Advocate General, Shri Abhishek Sinha and Shri Vaibhav Shukla, Advocates

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order on Board

Per Navin Sinha, Chief Justice

9/3/2016

1. The issues involved in these five writ applications being common, they have been heard together and are being disposed of by a common order.
2. In view of the nature of order proposed to be passed, it is not considered necessary to notice the entire facts of the case except to the extent relevant for the purposes of the present order.
3. For the sake of convenience, the facts shall be culled out primarily from Writ Petition (C) No.542 of 2016. There may be some variation of dates and also the quantity of coal.
4. It is the contention of the Petitioner that it was allocated a Long Term Linkage on 25.2.2004 for its Sponge Iron Plant. A fuel supply agreement was subsequently executed on 26.4.2008 with the South Eastern Coalfields Limited. It was renewed on 8.10.2013 and stands valid till 30.4.2018. It is aggrieved by the cancellation of the fuel supply agreement as communicated by letter dated 22.1.2016 with reference to communication dated 1.7.2015 from the Union of India.
5. It is the further submission on behalf of the Petitioner that subsequently on 14.10.2011 it was allocated Deavnara Coal Block. According to the Petitioner, the letter of allotment stipulated that it would not

replace any coal linkages already given to it. Pursuant to the allocation of the coal block, it was converted to Tapering Linkage. Consequent to (2014) 9 SCC 516 (Manohar Lal Sharma v. Principal Secretary and others) and (2014) 9 SCC 614 (Manohar Lal Sharma v. Principal Secretary and others), the coal block allocated to it was cancelled. Resultantly, the situation reverted to the position when Long Term Linkage was given to it without a coal block. The Petitioner therefore now stands at par with those who were never allocated a coal block and no further distinction can be made between the two categories insofar as fuel supply agreements are concerned.

6. It is further the contention of the Petitioner that even if the coal block allotment has been cancelled, there is no justification to cancel pre-existing fuel supply agreement for quantity of coal beyond that allocated through the coal block.

7. The Petitioner is stated to have represented before the Union of India and the Ministry of Coal which is yet to be disposed.

8. We are of the considered opinion that in the facts and circumstances of the case, the stage for judicial review has still not arrived till such time that the Union of India takes such decision on the representation stated to have been filed by the Petitioner on the aforesaid grounds. Till the representation is decided all possibilities remain open for the parties.

9. Therefore, at this stage it is considered appropriate to direct that the Union of India in the Ministry of Coal shall take a decision on the representation of the Petitioner and dispose it by a reasoned and speaking order disclosing due application of mind, within a maximum period of six weeks, extendable by a maximum period of further two weeks, from the date of receipt and/or presentation of a copy of this order before the competent

authority. Liberty is also granted to supplement the representation, if so advised. Nothing in this order can be considered or deemed as any observation or opinion on the merits of the matter.

10. The writ applications stand disposed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE