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HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 667 of 2014

- Chhattisgarh Captive Coal Mining Ltd. having its Registered Office at G-9, Hira Arcade, Near New Stand, Pandri, Raipur, Distt Raipur, CG

---- Petitioner

Versus

1. Union of India through Secretary, Ministry of Coal, Govt. of India, Shastri Bhawan, New Delhi 110001
2. M/s Coal India Ltd (A Public Sector Undertaking) through Chairman-Cum-Managing Director having its Registered Office at 10, Netaji Subhash Road, Kolkata, West Bengal 700001
3. Ministry of Environment & Forest through its Secretary, Paryavaran Bhawan, CGO Complex, Lodi Road, New Delhi 110003
4. State of Chhattisgarh through Chief Secretary, Mahanadi Bhawan, Mantralaya, Naya Raipur, Distt Raipur, CG
5. Mineral Resources Department Govt. of Chhattisgarh, through its Principal Secretary, Mahanadi Bhawan, Mantralaya, Naya Raipur, Distt Raipur, CG
6. Ministry of Mines Government Of India, through its Secretary, Shastri Bhawan, New Delhi 110001
7. Chief Conservator of Forest (Land Management) and Nodal Officer Forest Conservation Act, Aranya Bhawan, Jail Road, Raipur, Dist Raipur, CG

----Respondents

For Petitioner	: Shri Amrito Das, Advocate
For respondent-1/Union of India	: Shri B Gopa Kumar, Assistant Solicitor General
For respondent- 2	: Shri RK Gupta, Advocate
For State	: Shri UNS Deo, Government Advocate

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice

Hon'ble Shri Justice Sharad Kumar Gupta

Order on Board

Per Thottathil B. Radhakrishnan, Chief Justice

15.11.2017

1. Heard the learned counsel for the petitioner, the learned Assistant Solicitor General, the learned Government Advocate and the learned counsel for the second respondent.

2. Reference is made to the order delivered today in Writ Petition (C) 2136 of 2012. The case in hand is similar to it subject only to a variation in the issue relating to invocation and encashment of the bank guarantee.

3. Resultantly, we follow the order rendered today in this case as well noticing that the petitioner's consortium would fall within the group to which the contents of paragraph No.163 of the decision of the Hon'ble Supreme Court of India in **Manoharlal Sharma Vs Principal Secretary** {2014 (9) SCC 516} would apply.

4. As a consequence, the primary relief sought for in this Writ Petition is held as infructuous and it is ordered that the Union of India would be entitled to proceed with further action to quantify the amounts due to it as a consequence of the cancellation of the coal blocks and will be entitled to invoke the bank guarantee for all such amounts including accruals applying the principles stated in the order in WPC-2136 of 2012 of this Court. The order of stay granted in this Writ Petition is vacated. Any action which requires to be taken with notice to the petitioner or the consortium shall be taken only with due notice. This Writ Petition is ordered accordingly.

Sd/-
(**Thottathil B. Radhakrishnan**)
Chief Justice

Sd/-
(**Sharad Kumar Gupta**)
Judge