

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.378 of 2009**

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1. THE COAL INDIA Limited, a Central Government Company incorporated under Section 617 of the Companies Act, 1956 having its office situated at 10, Netaji Subhas Road, Kolkata-700001, through its Chairman.
  2. The Central Coal Fields Ltd., a subsidiary of Coal India Limited (Sales and marketing Department), Darbhanga House, Ranchi through its Chairman-cum-Managing Director.
  3. The Chief General Manager, (Sales & Marketing), Central Coalfields Ltd., Darbhanga House Ranchi.

... .. Appellant/s

Versus

M/S G.K.COKE INDUSTRIES, a partnership firm having its factory at and P.O. Kunda, district-Aurangabad, through its Partner Smt. Geeta Singh, wife of Kaushal Kumar Singh, resident of At and P.O. Kunda, District-Aurangabad.

... .. Respondent/s

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with

**Letters Patent Appeal No. 686 of 2010**

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M/S G.K.COKE INDUSTRIES Through Its Partner Smt. Geeta Singh, W/O Kaushal Kumar Singh, R/O At and P.O. Kunda, P.S.- Aurangabad, Town and Distt.- Aurangabad

... .. Appellant/s

Versus

1. THE COAL INDIA LTD. a Central Government Company incorporated under Section 617 of the Companies Act, 1956 having its office situated at 10, Netaji Subhas Road, Kolkata-700001, through its Chairman.
2. The Central Coal Fields Ltd. A Subsidiary Of Coal India Ltd., Sales and Marketing Department, arbhanga House, Ranchi through its Chairman-cum-Managing Director.
3. The Chief General Manager, (Sales and Marketing), Central Coal Fields Ltd., Darbhanga House, Ranchi
4. Chief Sales Manager, Coal India Limited (Marketing Division) Apeejay House, B-Block, 6th Floor, 15 Park Street, Kolkata-700016.
5. The Regional Manager (Sales), Regional Office, Coal India Limited, Boring Road, Patna

... .. Respondent/s

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**Appearance :**

(In Letters Patent Appeal No. 378 of 2009)

For the Appellant/s : Mr.Vishwa Mohan Kumar Sinha

For the Respondent/s : Mr.Raj Kishore Prasad

(In Letters Patent Appeal No. 686 of 2010)

For the Appellant/s : Mr.Raj Kishore Prasad

For the Respondent/s : Mr.Vishwa Mohan Kumar Sinha



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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE JUSTICE SMT. ANJANA MISHRA**  
**ORAL ORDER**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

13    10-05-2019                      It has been pointed by Shri Sinha, learned counsel for the Coal India Limited with the aid of I.A. No. 3422 of 2018 filed in L.P.A. No.378 of 2009 that on 15<sup>th</sup> of February, 2016, the Government of India, Ministry of Coal has promulgated its policy of auction of linkages of the non-regulated sector. A copy of the said policy has been filed as Annexure-2 to the aforesaid application. On the strength thereof, it is urged that in view of the aforesaid new policy already in vogue, the respondent-petitioner can seek whatever benefits or any allocation is concerned under the new policy provided he is eligible and in this background the present appeal has become infructuous.

We entirely agree with the said submission of Shri Sinha inasmuch as the impugned judgement in the present appeal was in relation to a policy of 2007 and it is also not disputed that pursuant to the impugned judgement the representation filed by the respondent petitioner was disposed of which is subject matter of challenge in the connected L.P.A. No.686 of 2010. In our considered opinion, once the new policy has been promulgated, any industry aspiring for such allocation



will therefore have to be abide by the new policy and its term and in the event the respondent-petitioner, namely M/S. G. K. Coke Industries is anyway eligible for such participation, it will be open to the said forum to move before the appellant and it shall be open to the appellant to pass such appropriate orders that may be necessary in accordance with the terms of the policy in the event a methodology has already been finalised by the Government of India and has been enforced.

Consigned to records with the said observations.

**(Amreshwar Pratap Sahi, CJ)**

**( Anjana Mishra, J)**

Saif/-

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