

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2380 of 2019**

M/s Vinay Kumar Upadhyay, A Proprietor Ship Firm Having Its Proprietor Mr. Vinay Kumar Upadhyay, S/o. Mukti Nath Upadhyay, Aged About 43 Years, R/o. Duman Hill Colliery, Tahsil Chirmi, District- Korea, Chhattisgarh.

---- **Petitioner**

Versus

1. Coal India Limited Through Its Chairman, 10 Netanji Subhash Road, Kolkata, West Bengal.
2. South Eastern Coal Field Limited, Mini Ratna Company Subsidy Of Coal India Limited, Through Its Chairman-Cum-Managing Director, SECL Bhawan, Sipat Road, Sarkanda, Bilaspur, Chhattisgarh.
3. General Manager, Bhatgaon Area Post Office, Bhatgao Colliery, District- Surajpur, Chhattigarh.

---- **Respondents**

For Petitioner : Mr. Malay Shrivastava, Advocate

For Respondents : Mr. Atul Kumar Kesharwani, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board**

16.09.2019

Heard.

1. Learned counsel for the petitioner submits that the petitioner was granted a tender for loading of the coal on 15.12.2018, which was up till 29.12.2021. It is contended that the loading of the coal from the Railway siding was to be made at Mahan-II Wharf Wall Siding Bhatgaon Colliery. It is submitted that, all of a sudden, the respondents stopped the supply of coal since 04.03.2019 though the petitioner has installed all the machinery and man power. Thereafter, on 02.06.2019 a letter was issued by Annexure P-11 to the petitioner to resume the work of loading as 16000 tonnes of coal was lying at Mahan-II Wharf Wall Siding Bhatgaon Colliery. It is further stated that the petitioner claimed that the loss caused in between 04.03.2019 to 02.06.2019 may be measured as per the agreement clause.
2. The return has been filed by the respondents SECL. In the return, at para 8,

it is stated that looking to national property that the huge coal is lying to avoid any untoward incident, the respondents have issued a fresh NIT for the work, which was awarded to the petitioner as per the terms of agreement between the petitioner and answering respondents. It is further stated that if the petitioner interested to continue the work, the answering respondents can permit him to do so and another dispute can be resolved as per the dispute redressal given in the agreement.

3. In view of such submission made by the SECL, no further adjudication is required in this petition. The respondents SECL may adhere to the reply as has been stated in clause 8 of the return and may act accordingly. The petitioner, if so advised, may resume the work within a period of 48 hours and the dispute if any in between the petitioner and respondents shall be decided as per the dispute redressal given in the agreement within a period of 90 days.
4. In view of the above, the writ petition stands disposed of.

ashok

Sd/-
Goutam Bhaduri
Judge