Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 270 of 2020

Date of Order: 10.12.2020

M/s. Ganesh Enterprise Vs. State of Meghalaya & 6 Ors.

Coram:

Hon'ble Mr. Justice Ranjit More, Judge.

Appearance:

For the Petitioner/Appellant(s) : Mr. K.C.Gautam, Adv.

For the Respondent(s) : Ms. S.G.Momin, Addl. Sr. GA for 1 & 2.
Dr. N.Mozika, Sr. Adv. with
Mr. J.I.Nongrum, Adv. for R 3-7.

1. Heard Mr. K.C.Gautam, learned counsel for the petitioner, Ms. S.G.Momin, learned Addl. Sr. GA for respondents No. 1 & 2 and Dr. N.Mozika, learned Sr. counsel for the respondents No. 3-7.

2. Petition is filed seeking direction to the respondents, especially respondents No. 3-6 to permit petitioner to export the legally purchased auction coal from South Garo Hills, Meghalaya to Nepal through Panitanki land station, West Bengal and also to Nepal through Galgalia, Jogbani and Raxual land custom station, Bihar.

3. It is the case of the petitioner that the bidding process was conducted by the State Government and one Shri. Pukash N. Sangma emerged as the successful bidder for the auction of 25,104.00 MT of coal. Accordingly, work order was issued by respondent No. 2 to lift 25,104.00 MT of coal in favour of Shri. Pukash N. Sangma. It is further the case of the petitioner that said Shri. Pukash N. Sangma made payment of the auction amount to respondent No. 2 vide Demand Draft dated 28-11-2019 and thereafter lifting order was issued in his favour and he was issued challans for lifting the coal.

4. Petitioner contends that he has purchased the auction coal from said Shri. Pukash N.Sangma on 20-12-2019 for onward export to Nepal. The petitioner has also annexed in this petition a specimen Tax Invoice dated 20-12-2019 to show that the auction coal was purchased by him from said Shri. Pukash N. Sangma. Accordingly, the e-way bill was also obtained to remove the auction coal from South Garo Hills, Meghalaya to Dudhnoi, Dhupdhara, Assam.

5. As stated earlier, the petitioner wanted to export the said auction coal to Nepal through Panatanki land station, West Bengal and also to Nepal through Galgalia, Jogbani and Raxual land custom station, Bihar. However, the respondents No. 3-6 are refusing to permit and therefore he is unable to export the same. Being aggrieved by this, petitioner has approached this Court.

6. Dr. N.Mozika, learned Sr. counsel for the respondents No. 3-7, having received instruction make a statement that in the event the petitioner satisfy the department that he has purchased the auction coal from Shri. Pukash N. Sangma through valid supported documents, in that case, petitioner can be issued necessary permit to export the said auction coal to Nepal. Statement accepted.

7. Mr. K.C.Gautam, learned counsel for the petitioner having taken instruction submits that the petitioner will satisfy the respondents No. 3-6 that he has purchased the auction coal in question from Shri. Pukash N. Sangma with supporting documents. Statement accepted.

8. In the above circumstances, petition is disposed of by passing following order:

i) Petitioner is at liberty to satisfy respondents No. 3-6 with supporting documents that;

(a) the coal in question is auction coal.

(b) the said coal was purchased by Shri. Pukash N. Sangma in public auction.

(c) he has purchased the said coal from Shri. Pukash N.Sangma.

(ii) On satisfaction that petitioner has validly purchased the auction coal from Shri. Pukash N. Sangma, respondents No. 3-6 shall permit the petitioner to export the said coal to Nepal.

9. Petition stands disposed of.

Judge

Meghalaya
10.12.2020
"Samantha PS"