

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 2040 of 2020**

1. M/s. Firstmove Logistics Pvt. Ltd., Through - Director Col. Premjet Singh Nijjar (Retired) S/o Wg. Cdr. Gurmaiyeet Singh, Aged About 58 Years Having Its Office At S E C L Gevra Project, District - Korba Chhattisgarh.
2. M/ S. Anurag Coal Transport Pvt. Ltd. Through Director Col. Anurag Shukla (Retd.) S/o Anoop Dutta Shukla, Aged About 58 Years Having Its Office At S E C L Gevra Project, District - Korba Chhattisgarh.
3. M / S Kuchena Coal Transport Pvt. Ltd., Through Director Maj. Nitish Chandra Biswas (Retd). S/o Nitya Gopal, Aged About 65 Years Having Its Office At S E C L Gevra Project, District - Korba Chhattisgarh.
4. M/ S Vipul Coal Transport Pvt. Ltd., Through - Director Col. Vipul Verma S/o Shri D.P. Verma, Aged About 64, Having Its Site Office At Chhal O C M, District Raigarh Chhattisgarh.

---- Petitioners**Versus**

1. Union Of India Through - The Secretary, Ministry Of Coal, Shastri Bhawan, Dr. Rajendra Prasad Road, New Delhi.
2. Ministry Of Defence Through Its Secretary Rajpat E - Block, Central Secretariat New Delhi
3. Coal India Limited A Government Of India Undertaking Through Its Chairman, Shastri Bhawan, New Delhi.
4. South Eastern Coalfields Limited A Subsidiary Of Coal India Limited, Vasant Vihar, Seepat Road, Bilaspur, Chhattisgarh
5. General Manager South Eastern Coalfields Ltd., Vasant Vihar, Seepat Road, Bilaspur Chhattisgarh.

6. Director General Resettlement (D.G.R.), 4 Unnamed Road West Block, Ramakrishna Puram, New Delhi.

---- Respondents

For Petitioners	:	Mr. P. R. Patankar, Advocate
For Respondents No.1, 2 & 6	:	Mr. Ramakant Mishra, Advocate

Hon'ble Shri Justice P. Sam Koshy
Order on Board

23/09/2020

1. The challenge The present writ petition has been filed claiming for a direction to the respondents for revising the normative rates of loading and transportation of coal as per clause 9 of the memorandum of understanding (MOU) and clause 9 of the guidelines for revising rates with retrospective effect.
2. The petitioners also have sought for a direction to the respondents for an expeditious decision, as principally they had taken a decision in this regard, as is reflected from the correspondence dated 23.02.2019.
3. The counsel for the petitioners submits that earlier a group of similarly placed persons had approached this Court seeking for revision of normative rates and this Court in WPC No. 4712/2019 vide its order dated 02.01.2020 had disposed of the writ petition directing the petitioners to approach the concerned authorities i.e. the respondents herein to take a decision in terms of the agreement entered into between the parties so far as the revision of rates are concerned. This Court in the said order had specifically held that since the High Court of Delhi vide WPC 1792/2013 in the

case of “**M/s. Khushi Coal Transport Pvt. Ltd. & Others v. Union of India & Others**” had quashed the resolution of Board dated 31.07.2012 communicated vide order dated 08.08.2012 the said resolution of the Board thus has lost its efficacy and the same could not be acted upon by the respondents as the order of the High Court has been affirmed by the Division Bench as also by the Hon'ble Supreme Court. The only issue left was in respect of the revision of rates, which was to be dealt with between the petitioners and the respondents therein.

4. The grievance of the petitioners in the present case is that similarly there was an MOU with the petitioners executed in the year 2013 which also had a specific clause for revision of rates. However, the respondents authorities till date have not taken a decision on the revision of normative rates. The counsel for the petitioners at this juncture referred to Annexure P/11 dated 23.02.2019 whereby the management of SECL themselves has accepted that the CIL Board in its meeting held on 18.07.2020 have principally accepted for necessary revision of the normative rates and only the modalities of payments of revised rates was to be fixed or determined, but thereafter there does not seem to be any further development or an instruction issued by the respondents authorities and as a consequence the petitioners are compelled to continue working with the respondents at the rate which ought to had been by now revised long back causing much detriment to the functioning of the petitioner-establishment particularly on the economic front.
5. Given the said facts and circumstances of the case, particularly taking note of Annexure P/11 dated 23.02.2019, this Court is of the

opinion that since the CIL Board has already principally accepted for revision of the normative rates, ends of justice would meet if the writ petition at this juncture stands disposed of directing the respondents No.3 to 5 in the light of their correspondence dt. 23-02-19 to take an early decision on the issue of revision of normative rates at the earliest preferably within a period of 90 days from the date of receipt of the copy of this order.

6. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved