

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 4712 of 2019**

1. Leo Coal Movers Pvt. Ltd. Through- Director Maj. Jit Singh, S/o Harnam Singh, Aged About 68 Years Having Its Office At Behind Auto Section No. 1 Secl Gevra Project, District- Korba, Chhattisgarh
2. Nirpender Logistics Pvt. Ltd. Through Director Ved Prakash Sharma S/o Shri Hukumchand Sharma, aged About 64 Years Having Its Office At SECL Dipka Area, Post Office Chainpur, District- Korba, Chhattisgarh.
3. V S Coal Carriers Pvt. Ltd. Through Director N.B. / Sub Chander Bhan S/o Shri Nekiram, Aged About 56 Years Having Its Office At Secl Dipka Area, P.O. Chainpur, District- Korba, Chhattisgarh.
4. Nishant Coal Carriers Pvt. Ltd. Through- Director Captain Jasbir Singh S/o Shri Liluram, Aged About 51 Years, Having Its Office At Ob Dump No. 4 Near East Mtk Gevra Project, District- Korba, Chhattisgarh.
5. Shaksham Coal Carriers Pvt. Ltd. Through- Authorized Signatory / Director Scpo Rajbir Singh Deswal S/o Balbir Singh Deswal, Aged About 59 Years Having Its Office At Ob Dump No. 4, Secl Gevra Project, Gevra, District- Korba, Chhattisgarh.
6. Swastik Coal Carriers Pvt. Ltd. Through- Authorized Signatory / Director Captain Ashok Kadian S/o Shri Umed Singh Kadian, Aged About 54 Years Having Its Office At Dipka Camp, Secl Dipka Area, Post Office Chainpur, Via Hardi Bazar, District- Korba, Chhattisgarh.
7. Anupama Coal Carriers Pvt. Ltd. Through- Authorized Signatory / Director Sub Chaman Lal Chahal S/o Shri Shrichand Chahal, Aged About 65 Years Having Its Office At Near East Mpk Ob Dump, Gevra Project, Gevra, District- Korba, Chhattisgarh.
8. Narinder Transport Pvt. Ltd. Through- Authorized Signatory / Director Col. Harjeet Singh S/o Shri Tara Singh, Aged About 70 Years Having Its Office At Ob Dump No. 4 Secl Gevra Project, Gevra, Near East Mtk, District- Korba, Chhattisgarh.
9. Arjuna Coal Carriers Pvt. Ltd. Through- Authorized Singnatory / Director Captain Shamsher Singh Malik S/o Shri Paleram Malik, Aged About 51 Years Having Its Office At North East Site Of Quarry, Ramp No. 1 A, Dipka Expansion Project, District- Korba, Chhattisgarh.

10. H.N. Coal Transport Pvt. Ltd. Through- Authorized Signatory / Director Sandeep Saharan S/o Shri Ramniwas Saharan, Aged About 29 Years Having Its Office At Behind Auto Section No. 1 Secl Gevra Project, District- Korba, Chhattisgarh.
11. Gevra Coal Transport Pvt. Ltd. Through- Authorized Signatory / Director Sub. Ranbir Singh S/o Shri Hari Singh, Aged About 64 Years Having Its Office At Eastern Dump Near East Mtk Gevra Project, Gevra District- Korba, Chhattisgarh.

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Versus

1. Union Of India Through- The Secretary, Ministry Of Coal, Shastri Bhawan, Dr. Rajendra Prasad Road, New Delhi., District : New Delhi, Delhi
2. Ministry Of Defence Through Its Secretary Rajpat E-Block, Central Secretariat New Delhi., District : New Delhi, Delhi
3. Coal India Limited A Govt. Of India Undertaking Through Its Chairman, Shastri Bhawan, New Delhi., District : New Delhi, Delhi
4. South Eastern Coalfields Limited A Subsidiary Of Coal India Limited, Vasant Vihar, Seepat Road, Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
5. General Manager South Eastern Coalfields Ltd. Vasant Vihar, Seepat Road, Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
6. Director General Resettlement (Dgr) 4 Unnamed Road West Block, Ramakrishna Puram New Delhi., District : New Delhi, Delhi

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For Petitioners	:	Mr. Prafull N. Bharat with Mr. P. R. Patankar, Advocates
For Respondents	:	None.

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

02/01/2020

1. Primary challenge in the present writ petition is to the resolution issued by respondent No.3 Annexure P-2 dated 31.07.2012

communicated on 08.08.2012 and consequential orders issued by respondent No.4, a subsidiary company of respondent No.3.

2. Perusing the records of the case, this Court finds that the resolution of the respondent No.3 was already subjected to challenge before the High Court of Delhi vide **WPC No. 1792/2013** in the case of **M/s Khushi Coal Transport Private Limited & Others Vs. Union of India & Others**. The said writ petition stood finally allowed on 15.01.2015. The said order passed in the writ petition was also later on affirmed in LPA No. 346/2015 decided on 23.09.2015 and both these orders further got affirmed by the Supreme Court by the rejection of the SLP preferred by the respondent No.3 vide Special Leave to Appeal No.6177/2016 decided on 02.05.2017.
3. Considering the fact that the Delhi High Court has already quashed the resolution Annexure P-2 dated 31.07.2012, communicated on 08.08.2012 and which stands confirmed even uptill the Supreme Court. This Court is of the opinion that there is no further necessity for again deciding the same issue by this High Court. More particularly, when it has already got the stamp of affirmation by the Division Bench as well as by the Supreme Court.
4. As a consequence, this Court is not inclined to entertain the writ petition so far as the challenge to the resolution Annexure P-2 is concerned for the reason it stands quashed by the Delhi High Court. So far as the challenge to the Annexure P-3 is concerned, the reading of the Annexure P-3 seems to have been passed in the context of the resolution dated 31.07.2012, communicated on 08.08.2012 passed by the respondent No.3. Since the resolution of the Board of respondent No.3 dated 31.07.2012 communicated vide

order dated 08.08.2012 stood quashed by the Delhi High Court , the consequential correspondences issued by the subsidiary company of the respondent No.3 would also lose its efficacy so far as it relates to the Board's resolution dated 31.07.2012, communicated on 08.08.2012 is concerned.

5. The right of the parties to approach the concerned authorities so far as the applicability of the rates on which the transportation have to be made stands reserved and for which consequential steps would be taken by the respondents.
6. It is expected that the authorities concerned would take a decision at the earliest in accordance with the Rules and Regulations governing the field.
7. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit