

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 12668 of 2021

1. M/s Mithila Coal Industries Pvt. Ltd., a company incorporated under the Indian Companies Act, 1956, having its factory at Bela Industrial Area, Bela, Muzaffarpur, through one of it's Director Sri Rabindra Singh, aged about 65 years, Male, son of Late D.P.Singh, resident of JF-15, Arya Kumar Road, Rajendra Nagar, Patna-16.
2. M/s Sushila Chemicals Pvt. Ltd., a company incorporated under the Indian Companies Act, 1956, having its factory at Bela Industrial Area, Bela, Muzaffarpur, through one of it's Director Sri Rabindra Singh, aged about 65 years, Male, son of Late D.P.Singh, resident of JF-15, Arya Kumar Road, Rajendra Nagar, Patna-16.
3. M/s Magadh Smokeless Coking Coal Industries Pvt. Ltd., a company incorporated under the Indian Companies Act, 1956, having its factory at Nawadih, Aurangabad, through it's Managing Director Md. Qamruzzama, aged about 42 years, Male, S/O Late Md. Alimuddin Ansari, resident of Mohalla- Koiribigha, Nawadih, P.S. Town Thana, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus



1. The Coal India Limited, Marketing Division, Ground Floor, Coal Bhawan, New Town, Rajarhat, Kolkata-700 156 through its HOD/Commercial (M & S).
2. The HOD/Commercial (M & S), the Coal India Limited, Marketing Division, Ground Floor, Coal Bhawan, New Town, Rajarhat, Kolkata-700 156.
3. The Bharat Coking Coal Limited, a subsidiary company of Coal India Limited, Koyala Bhawan, Dhanbad through its Chairman-cum-Managing Director.
4. The Chairman-cum-Managing Director, The Bharat Coking Coal Limited, a subsidiary company of Coal India Limited, Koyala Bhawan, Dhanbad.
5. The General Manager (Sales & Marketing), the Bharat Coking Coal Limited, Koyala Bhawan, Dhanbad.
6. The Deputy Chief Sales Manager (Road Sale), the Bharat Coking Coal Limited, Koyala Bhawan, Dhanbad.

.. ... Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Raj Kishore Prasad, Adv.
For the Respondent	:	Mr. Vishwa Mohan Kumar Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 07-09-2021 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.



The present writ petition has been filed seeking the following reliefs:-

“(i) For issuance an appropriate writ(s) /order(s)/direction(s) in the nature of writ of mandamus directing the respondents to give liberty of participating in the e-auction policy as to be announced in “Trunch-V” by the Coal India Limited (in short CIL) as the petitioners have been given liberty this Hon’ble Court to participate in the new policy if the petitioners qualify in the conditions mentioned in the new policy, but in the earlier Trunch i.e. Trunch No. I to IV the eligibility criteria as mentioned in all the Trunches, the Coal India Limited itself have given set off the eligibility criteria.

(ii). For issuance of an appropriate direction to the respondents to set off the eligibility criteria as given in all Trunches if it also contains in Trunch-V of the new policy which has to be announced in the near future as the



Coal India Limited has already invited notice for registration of auction of Coal Linkages for non-regulated sector from 7.6.2021 onwards at the website of service provider M/s MSTC Limited and after announcement of new policy only 10 days time has to be given for making application with security amount that is why this writ application is being filed in advance.”

At the outset, the learned counsel for the petitioner seeks to withdraw the present writ petition with liberty to participate in the e-auction of coal linkages, as per the policy of the respondents.

Accordingly, the present writ petition stands disposed of as not pressed, however, with liberty to the petitioner to participate in the e-auction. It is needless to state that the application / bid of the petitioner shall be considered by the Respondents, strictly in terms of their policy and in accordance with law.



(Mohit Kumar Shah, J)

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