

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3289 of 2021**

- N.R. Sponge And Power Private Limited, Having Its Registered Office At Village - Bahesar, Phase-II, Industrial Area, Siltara, Raipur (Chhattisgarh) - 493111 Through Its Authorised Signatory Shri Sappati Satyanarayan

---- Petitioner**Versus**

1. Union Of India Through The Secretary, Ministry Of Coal, Nirman Bhawan, New Delhi
2. Coal India Limited, A Maharatna Company (Government Of India Undertaking), Through Its General Manager (Marketing And Sales), Coal Bhawan, Marketing Directorate, Premises No.04 Mar, Plot - AF - III, Action Area - 1 A, New Town, Kolkata - 700156
3. South Eastern Coalfields Limited, (A Subsidiary Of Coal India Limited / A Mini Ratna PSU), Through Its General Manager (Marketing And Sales), Regd. Office - Seepat Road, Bilaspur Chhattisgarh - 495006
4. State Of Chhattisgarh, Through Its Secretary, Department Of Industries, Udyog Bhawan, Ring Road No.1, Telibandha, Raipur Chhattisgarh
5. South East Central Railways Through Its General Manager, South East Central Railway New Zonal Building Bilaspur, Chhattisgarh - 495004

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For Petitioner	:	Shri Aashish Anand Bernard, Advocate along with Shri Ankit Singhal, Advocate
For Respondent No.1/UOI	:	Shri Tushar Dhar Diwan, Advocate appears on behalf of Shri Ramakant Mishra, ASG
For Respondent No.4/State	:	Shri Alok Bakshi, Addl. AG
For Respondent No.5	:	Shri H.S. Ahluwalia, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order****16/08/2021**

1. Heard.

2. Learned counsel for the petitioner would submit that the petitioner entered into a fuel supply agreement being FSA No.A-35 and A-645. It is contended that as per the allocation made, the wagons were to be supplied by the railways. It is stated according to the Fuel Supply Agreement, the SECL has not made any allocation since June, 2020 to December, 2020 and for a part for month of January, 2021 the allocation was made, however, again it was stopped from February, 2021. He would further submit that therefore, it has resulted into a pending allocation and racks for against the supply of coal accordance to the Fuel Supply Agreement. Under the circumstances, presently the petitioner has made an application on 23.07.2021 to the General Manager, SECL, therefore, he may be directed to decide the same as otherwise no reasons are forthcoming for withholding the allocation of coal despite personal meetings.
3. Considering the submission made and the tenor of the letter dated 23.07.2021 (Annexure P-5), if the petitioner has been allocated the coal and the Fuel Supply Agreement has been entered into, then in such case if the claim is made for allocation of coal that is required to be decided. Accordingly, it is ordered that the petitioner's application dated 23.07.2021 shall be decided in accordance with the spirit of the Fuel Supply Agreement entered in between the petitioner and the respondent No.3 as early as possible.
4. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu