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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(C) No. 4364 of 2021

Jagdamba Power and Alloys Ltd Having Its Registered Office At G/16, Hira Arcade, Near Bus Stand, And Its Plant At Near Industrial Growth Centre, Phase-II – Siltara, Raipur 493111 Chhattisgarh Through Its Authorized Signatory Shri Arun Poddar

---- Petitioner

Versus

1. The 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 - 1A, New Town, Kolkata
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, Directorate Of Industries, Udyog Bhawan, Ring Road No.1, Telibandha - Raipur Chhattisgarh
5. South Eastern Central Railways, Through Its Senior Divisional Operation Manager, Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	: Mr. Ankit Singhal, Advocate
For Respondent No.1	: Mr. Tushardhar Diwan, Advocate on behalf of Mr. R.K. Mishra, Asst. S.G.
For Respondent No.2 & 3	: Mr. Vaibhav Shukla, Advocate
For State-respondent No.4	: Mr. Sudeep Agrawal, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

08/11/2021

1. This instant petition has been brought praying for issuance of writ of mandamus or any other appropriate write to quash the impugned notice/ letters dated 25.07.2017, 28.07.2017, 08.05.2018, 31.07.2019 and 16.01.2020 holding them illegal, arbitrary and violative of fuel supply agreement dated 29.03.2018, scheme document dated 22.06.2016 and letter of intent dated 24.08.2016.
2. It is submitted by the learned counsel for the petitioner that the petitioner submitted his bids for purchase of coal through rail mode. The petitioner was declared successful in his bids subsequent to which letter of intent dated 24.08.2016 was issued to the petitioner. The fuel supply agreement was executed on 29.03.2018 on the terms agreed between the parties according to which, the winning premium was to remain constant through out and the mode of purchase of coal was to be rail mode. It is submitted that by issuance of notices-cum-letter mentioned herein-above, the petitioner is being directed to adopt mode of transport other than the rail mode and also for bearing additional cost. Subsequent to which, the respondents have unilaterally decided to step away from the winning premium as mentioned in the letter of intent and fuel supply agreement and have invited bids for supply through road mode. The petitioner has made representation but the same has not been considered. Hence, it is submitted that these petition may be disposed off with appropriate directions.
3. Learned counsel for the respondents opposes the submissions made, however, they have no objection, if the, petition is disposed of with direction.
4. Considered on the submissions. This petition is disposed off at motion stage. The petitioner is granted liberty to file application/representation

before the respondent No.1, 2 and 3 within a period of 15 days and when such application/representation is filed, the respondents No.1, 2 and 3 shall be obliged to consider on such representation and dispose of the same at the earliest within a period of of 90 days from the date of this order.

5. With these observations, both the petitions are disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram