

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 3119 of 2012

***Hindalco Industries Ltd. &
Another***

.....

Petitioners

Mr. S.P. Mishra, Sr. Advocate

Vs.

State of Odisha & Others

.....

Opposite parties

Mr. J.P. Pattnayak, G.A.

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

22.03.2022

Order No.

04.

This matter is taken up through hybrid mode.

2. Heard Mr. S.P. Mishra, learned Senior Advocate for the petitioners and Mr. J.P. Pattnayk, learned Government Advocate for the State.

3. The petitioners have filed this writ petition seeking to quash the impugned communication dated 15.12.2011 vide Annexure-6 issued by Opposite Party No.3- Deputy Director, Mines, Sambalpur Circle, Sambalpur directing to deposit Rs.81.85 lakh within 15 days of receipt of the letter.

4. Mr. S.P. Mishra, learned Senior Advocate for the petitioners contended that the question involved in this case is squarely covered by the ratio decided by the apex Court in ***Manohar Lal Sharma v. Principal Secretary & Ors***, (2014) 9 SCC 516 and ***Manohar Lal Sharma v. Principal Secretary & Ors.***, (2014) 9 SCC 614.

Therefore, opportunity be given to the petitioner-company to ventilate its grievances before the authority so that the same can be considered in the light of the judgment passed by the apex Court in ***Manohar Lal Sharma*** (supra).

5. Mr. J.P. Pattnayk, learned Government Advocate for the State contended that although he has received the copy of the rejoinder affidavit filed by the petitioner today, since the issue involved in this case has already been decided by the apex Court in ***Manohar Lal Sharma*** (supra), let direction be issued to the authority to reconsider the case of the petitioner-company in the light of the said judgment.

6. Considering the submissions made by the learned counsel for the parties and after going through the records, the letter/order dated 15.12.2011 under Annexure-6 issued by the Deputy Director, Mines, Sambalpur Circle, Sambalpur is quashed and the matter is remitted back to him to reconsider the case of the petitioner-company and decide the same in the light of the judgment passed by the apex Court in ***Manohar Lal Sharma*** (supra) as expeditiously as possible, preferably within a period of four weeks from the date of receipt of this order by affording opportunity of hearing to all the parties. Needless to say, in compliance of the order dated 28.02.2012, the amount deposited by the petitioner-company shall abide by the order passed by the authority

concerned.

8. With the aforesaid observation and direction, the writ petition stands disposed of.

Issue urgent certified copy as per rules.

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(**DR. B.R. SARANGI**)
JUDGE

.....
(**SAVITRI RATHO**)
JUDGE

Alok /Sukanta

