

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.19692 of 2016

NCC Limited

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Petitioner

Mr. S.S. Rao, Advocate

Vs.

***Mahanadi Coalfields Ltd. &
Ors.***

.....

Opposite parties

Mr. R. Sharma, Advocate

CORAM:

DR. JUSTICE B.R. SARANGI

Mr. JUSTICE S. K. MISHRA

ORDER

28.06.2022

Order No.

04

This matter is taken up through hybrid mode.

2. Heard Mr. S.S. Rao, learned Counsel for the Petitioner and Mr. R. Sharma, learned Counsel appearing for the Opposite Parties.

3. The Petitioner has filed this writ petition challenging the imposition of penalty of Rs.25,32,498.53 vide Annexure-7 dated 25.04.2016 after completion of the work in question.

4. Though the Petitioner has already approached Opposite Party no.3-General Manager, Mahanadi Coalfields Ltd., Kaniha Area, Angul by filing representation vide Annexure-10 series, the same has not been acceded to. Therefore, the Petitioner has approached this Court by filing this writ petition.

5. Mr. R. Sharma, learned counsel for the Opposite Parties contended that there is a provision under Clause-12 of the agreement for settlement of disputes. Therefore, the Petitioner can invoke the said Clause so that the dispute can be settled.

6. Having heard learned counsel for the parties, but, however, without expressing any opinion on the merits of the case, this Court disposes of the Writ Petition granting liberty to the Petitioner to pursue its remedy before the appropriate forum in terms of Clause-12 of the agreement, if it is so advised.

7. Issue urgent certified copy as per rules.

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

Alok/Ananta

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(**S. K. MISHRA**)
JUDGE

