

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P (C) No.4105 of 2017

Shyam Metalics and Energy Ltd.

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Petitioner

Mr.S.Mohanty, Adv.

Vs.

Odisha Mining Corporation Ltd.
and others

.....

Opposite Parties

Mr. B.Mohapatra, Adv.

(O.P.1)

State Counsel

(O.P.2)

Mr. P.K.Parhi, ASGI

(O.P.3)

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

11.05.2022

Order No.
03.

This matter is taken up through hybrid mode.

2. Heard learned counsel for the respective parties.
3. The prayer of the present writ petition reads as follows:

“ In the circumstances stated above, it is humbly prayed that this Hon’ble Court may graciously be pleased to issue an appropriate writ, direction or order:

(i) Declaring that the petitioner is not liable to make contributions to DMF and NMET and is entitled to consequential benefits;

(ii) Quashing and setting aside the demand notices dated 05.11.2016, 07.11.2016 and 08.11.2016 at Annexures-8, 9 and 10 respectively and the show cause notices dated 27.12.2016 and 31.12.2016 at Annexure-11 and 12 respectively;

(iii) Restraining the opp. parties from taking any coercive action pursuant to the impugned demand notices dated 05.11.2016, 07.11.2016 and 08.11.2016 at Annexure-8, 9 and 10 respectively, and

(iv) Directing the opp. party No.1 to supply chrome ore and iron ore to the petitioner without insisting on payment of contribution to DMF and NMET;”

4. Whether in fact the statutory liability can be passed on by the opposite parties to the petitioner in terms of the contract in question and whether the opposite parties are liable therefore to refund the sum already recovered from the petitioner as a result thereof, are questions that can be examined in civil proceedings and not in a writ petition under Article 226 of the Constitution. Leaving it open to the petitioner to work out its remedies in other appropriate proceedings in accordance with law, the writ petition is dismissed.

Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE

Arun/Bichi

