

**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**CONTC No. 1499 of 2022**

***Sri Gyana Ranjan Senapati***

....

***Petitioner***

Ms. Kananbala Roy Choudhury,  
Advocate

-versus-

***Sri Hrushikesh Barala & Another***

....

***Opposite Parties***

Mr. M.K. Khuntia, AGA

**CORAM:**  
**JUSTICE JASWANT SINGH**  
**JUSTICE M.S. RAMAN**

**ORDER (Oral)**  
**06.04.2022**

**Order No.**

- 02.**
1. This matter is taken up by virtual/physical mode.
  2. Alleging the non-compliance of order dated 18<sup>th</sup> March, 2020 passed in W.P. (C) No. 7758 of 2020, the Petitioner prayed for institution of contempt against the Opposite Parties.
  3. The Petitioner being aggrieved by deduction of enhanced royalty amount from the bills of the Petitioner under the Odisha Minor Mineral Concession Rules, 2016 with retrospective effect, approached this Court in afore-noted writ petition and contended that even though his case is identical to the case in W.P. (C) No. 11830 of 2015 disposed of on 18<sup>th</sup> March, 2015 by this Court and is covered by the decision of this Court in ***Akuli Charan Das v. State of Orissa and others and batch of cases***, 2006 (Supp.-II) OLR 672, the Opposite Parties did not grant him the relief.

Considering the submission of the Petitioner, this Court vide order dated 18<sup>th</sup> March, 2020 in W.P. (C) No. 7758 of 2020 observed as follows:-

“ In that view of the matter, we direct that in the event the petitioner, with regard to the grievance made in this petition, files a comprehensive representation before appropriate authority attaching running account bills along with certified copy of this order annexing therewith the judgment of this Court dated 18.03.2015 passed in W.P. (C) No. 11830 of 2013 and batch of cases and the decision in the case **Akuli Charan Das** (supra) within four weeks hence, the same shall be considered and decided by the authority concerned by a reasoned and speaking order, as expeditiously as possible preferably within a period of four months from the date of filing of such representation. It is further directed that in the case of the Petitioner is found to be entitled for refund of any amount, the same shall be refunded to the petitioner within three weeks from the date of passing of the order or adjust the refundable amount against any ongoing/completed projects that they may be undertaken if the Petitioner may opt for.”

4. After disposal of said writ petition, the Petitioner filed representation dated 27<sup>th</sup> April, 2021, which is enclosed as Annexure-2 to the writ petition. The counsel for the Petitioner alleges non-compliance of the order dated 18<sup>th</sup> March, 2020.

5. On 14<sup>th</sup> March, 2022, when the contempt being CONTC No. 1499 of 2022 was taken up, Mr. L. Samantaray, Additional Government Advocate prayed for two weeks time to seek instructions.

6. Accordingly, when the matter is taken up today, learned Additional Government Advocate submitted that on 26<sup>th</sup> March, 2022 compliance affidavit has been filed by the Opposite Party No.

1 stating therein that the files and record relating to the Petitioner as available in office was examined *vis-à-vis* the decisions as referred to above rendered by this Court and the decision taken by the Opposite Party No. 1 has been communicated to the Petitioner on 25<sup>th</sup> February, 2022.

7. In view of the above, the compliance of direction contained in the order dated 18<sup>th</sup> March, 2020, in W.P. (C) No. 7758 of 2020 being made the contempt petition has been rendered infructuous.

8. The counsel for the Petitioner sought to impress upon this Court that the decision taken by the Opposite Parties is defective as the computation of refund is erroneous.

9. This court is not inclined to render any opinion in this regard in the present contempt proceeding. However the Petitioner is at liberty to seek appropriate remedy in accordance with the law, challenging the error in calculation of refund.

10. Accordingly, the contempt petition is disposed of.

**(Jaswant Singh)**  
**Judge**

**(M.S. Raman)**  
**Judge**