

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6909 of 2019

M/s. Bengal Energy Ltd.

...

Petitioners

Mr. Jagabandhu Sahoo, Senior Advocate, assisted by
Ms. Kajal Sahoo, Advocate

-versus-

Union of India and others

...

Opposite Parties

Mr. P.K. Panda, Senior Standing Counsel

CORAM:

THE CHIEF JUSTICE

DR JUSTICE S.K. PANIGRAHI

ORDER

21.12.2022

Order No.

07.

I.A. No.16941 of 2022

1. For the reasons stated, the I.A. is allowed. The order passed by this Court on 28th November 2022 in W.P.(C) No.6909 of 2019 is modified and be as under:

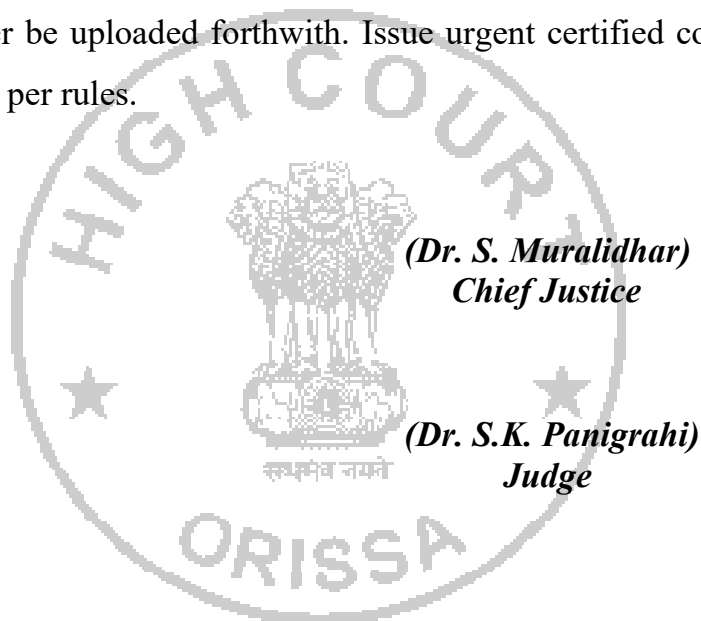
“1. In view of the judgment of this Court dated 1st August, 2022 in W.P.(C) No.1684 of 2019 (***M/s. Paradeep Phosphates Ltd. v. Union of India***), liberty is granted to the Petitioner to make an appropriate application for refund together with statutory interest in terms of the order dated 3rd April, 2019 passed in the present writ petition to the effect that “any payment made by the Petitioner will be subject to the result of the writ petition.” The Proper Officer will quantify the amount in accordance with law taking into account the judgment of the Supreme Court of India in ***Union of India v. Mohit Minerals Pvt. Ltd., 2022 SCC OnLine 657***. The Proper Officer will examine the records of the Petitioner and take

appropriate decision within a period of three months from the date of production of the certified copy of this order.

2. The impugned notifications and circulars and the consequential summons are hereby quashed in terms of the aforementioned judgment of the Supreme Court of India.

3. The petition is disposed of in the above terms. Issue urgent certified copy of this order as per Rules.

2. This order be uploaded forthwith. Issue urgent certified copy of this order as per rules.



S.K. Guin