

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 658 of 2017

***Bhushan Power & Steel
Ltd.***

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Petitioner

*Mr. Satyajit Mohanty,
Advocate*

Vs.

Union of India & Anr.

.....

Opposite parties

*Mr.P.K. Parhi, ASGI
(O.P.1)*

*Mr. P.P. Mohanty, AGA
(O.P.2)*

CORAM:

**DR. JUSTICE B.R. SARANGI
MISS JUSTICE SAVITRI RATHO**

ORDER

25.04.2022

Order No.

4

This matter is taken up through hybrid mode.

2. Heard learned counsel for the petitioner and Mr. P.K. Parhi, learned Assistant Solicitor General of India.
3. The petitioner, in this writ petition, while challenging the vires of the provisions contained in Section-10 A (2) (c) of Mines and Minerals (Development and Regulation) Act, 1957, has sought to quash the impugned communications dated 13.05.2015 bearing reference No.5/49/2012-MIV and dated 29.05.2015 bearing reference No.5/19/2014-MIV issued by the Government of India-opposite party no.1, as well as communication dated 09.07.2015 bearing reference No.III(A) SM-30/2002(pt) 6289/SM Bhubaneswar issued by the State of Odisha-opposite party no.2. A further

direction is sought to opposite party no.2 to grant leases, which are subject matter of ML application No.775 dated 04.12.2001 for iron ore over 383.996 hectares in Thakurani in Keonjhar District, Odisha and ML application No.780 dated 01.03.2002 for iron ore over 1390.663 hectares in Rakama, Mrsuan and Tirba in Keonjhar district and Khajuridhi RF in the district of Sundergarh, Odisha for which the recommendations have been sent by Government of Odisha, in terms of Section 10A(2)(c) of the MMDR Act.

4. As the vires of the provisions contained in Section-10 A (2) (c) of Mines and Minerals (Development and Regulation) Act, 1957 is under challenge and it is brought to the notice of this Court by the learned counsel for the petitioner that similar matter is subjudice before the apex Court, which has also been endorsed by Assistant Solicitor General of India, this Court disposes of this writ petition permitting the petitioner to pursue its remedy before the apex Court.

Issue urgent certified copy as per rules.

Alok/Puspa

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

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(**SAVITRI RATHO**)
JUDGE



Alok/Puspa

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

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(**SAVITRI RATHO**)
JUDGE

