

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 1741 of 2017

M/s. Rohit Ferro Tech Ltd.

.....

Petitioner

*Mr. J. Sahoo, Sr. Advocate along
with Ms. Kajal Sahoo, Advocate*

Vs.

OMC Ltd & others

.....

Opposite Parties

Mr. P.K. Muduli, Advocate

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE SANJAY KUMAR MISHRA

ORDER

20.07.2022

Order No.

06.

This matter is taken up through hybrid mode.

2. Heard Ms. Kajal Sahoo, learned counsel for the Petitioner and Mr. P.K. Muduli, learned Counsel for the OMC.

3. The Petitioner has filed this Writ Petition seeking to quash the penalty imposed vide letter dated 10.11.2016/11.11.2016 under Annexure-3 series and to declare that the deduction and retention of the deposit of the Petitioner in the Chrome Ore account amounting to Rs. 1,91,00,000.00 with the Opposite Parties shall not be held to be illegal and arbitrary.

4. Ms. Kajal Sahoo, learned Counsel for the Petitioner contended that since the Opposite parties have illegally deducted and retained the deposit of the Petitioner towards penalty, the Petitioner wants for refund of the same in accordance with law.

5. Mr. P.K. Muduli, learned Counsel for the Odisha Mining

Corporation Ltd. contended that there is alternative remedy available under the agreement itself so far as refund of the penalty amount. If the petitioner will approach the authority by ventilating its grievance, the same shall be considered in accordance with law.

6. Having heard learned counsel for the parties, this Court without expressing opinion on the merits of the case, disposes of the Writ Petition permitting the Petitioner to avail alternative remedy available in terms of the agreement/DTCN which is applicable to it, for refund of the penalty amount as deducted and retained by the Opposite Parties.

Arun/Banita

