

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 12141 of 2012

M/s. Ujala Minerals

.....

Petitioner

Mr. B.S. Tripathy-1, Advocate

Vs.

***Orissa Mining Corporation
Ltd. & Anr.***

.....

Opposite parties

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE V. NARASINGH

ORDER

16.02.2022

Order No.

3

This matter is taken up through hybrid mode.

2. Heard Mr. B.S. Tripathy-1, learned counsel for the petitioner.

3. The petitioner has filed this writ petition seeking to quash the letter dated 04/09.01.2012 issued by Manager (S&M) in Annexure-8 by declaring the impugned forfeiture of EMD as illegal and further seeks direction to the opposite parties to refund the illegal forfeited EMD amount of Rs.11,19,750/- as well as illegal adjusted amount of Rs.2,69,884 under Annexure-5 in favour of the petitioner with interest at the prevailing Bank's rate

within a stipulated period.

4. It is brought to the notice of this Court that as per Clause-15 of the terms and conditions for supply of Iron Ore, in the event of any dispute, the decision of Managing Director, Orissa Mining corporation Ltd. shall be final. Therefore, learned counsel for the petitioner stated that the petitioner may be permitted to approach the Managing Director, Orissa Mining Corporation Ltd. for refund of forfeiture of EMD.

5. In view of the above, this Court disposes of the writ petition granting liberty to the petitioner to pursue his remedy before the appropriate forum.

Alok

