

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 24478 of 2013

M/s. Atlanta Limited

.....

Petitioner

Mr. N.K. Mishra, Advocate

Vs.

*Mahanadi Coal Fields Ltd. &
Others*

.....

Opposite parties

*Mr. B. Dasmohapatra, Advocate
(O.Ps. 1 to 3)*

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

11.05.2022

Order No.

05.

This matter is taken up through hybrid mode.

2. Heard Mr. N.K. Mishra, learned Sr.Counsel appearing along with Mr. A. Mishra, learned counsel for the petitioner and Mr. B. Dasmohapatra, learned counsel for the opposite party nos. 1 to 3.
3. The petitioner has filed this writ petition challenging the decision taken by opposite party no.3-Engineer-in-Charge, Mahanadi Coalfields Ltd. vide order dated 08.05.2013 so far as the penal interest charge @ 18% thereon.
4. Mr. N.K. Mishra, learned Sr. Counsel appearing for the petitioner contended that the petitioner is not liable to pay the penalty in view of the order passed by the authority concerned.
5. Mr. B. Dasmohapatra, learned counsel for the opposite party nos. 1 to 3 contended that the petitioner is liable to pay the interest in terms of the conditions stipulated in the memorandum itself.
6. Having heard learned counsel for the parties and after going

through the records, it appears that since the rival contention raised by the parties emanate a disputed question of fact, this Court is not inclined to entertain this writ petition. However, liberty is granted to the petitioner to pursue his remedy before the appropriate forum in terms of the agreement for waiver of penalty, as has been claimed in the writ petition.

5. With the aforesaid liberty, the writ petition stands disposed of.

(DR. B.R. SARANGI)
JUDGE

Alok/Sukanta

(SAVITRI RATHO)
JUDGE

