

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 5577 of 2016

Bhimsen Nanda

.....

Petitioner

Mr. G.M. Rath. Advocate.

Vs.

State of Odisha & others

.....

Opposite Parties

Mr. P.P.Mohanty, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE G. SATAPATHY

ORDER

07.09.2022

Order No.

07.

This matter is taken up through hybrid mode.

2. Heard Mr. G.M.Rath, learned counsel for the petitioner and Mr. P.P. Mohanty, learned Addl. Government Advocate for the State.

3. The petitioner has filed this writ petition seeking direction to the opposite parties for refund of royalty, which has been enhanced under the OMMC Rules, 2004 and collected from the petitioner.

2. Mr. G.M.Rath, learned counsel for the petitioner contended that the question with regard to refund of royalty has been considered by this Court in *M/s. Durga Condev Private Limited Vrs. State of Odisha and others* W.P.(C) No. 3025 of 2014 disposed of on 18.3.2015 along with batch of cases, where this Court, relying upon the judgment of this Court in the case of *Akuli Charan Das etc. Vrs. State of Orissa and others* reported in A.I.R. 2007 Orissa 197, has directed for considering the case of the petitioner therein for refund of the royalty.

3. Mr. P.P.Mohanty, learned Addl. Government Advocate does not dispute the aforesaid position.

4. In view of the above, the writ petition stands disposed of in terms of the order passed by this Court in *M/s. Durga Condev Private Limited* (supra).

(DR. B.R. SARANGI)
JUDGE

(G. SATAPATHY)
JUDGE

Ashok/Kishore

