

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.23342 of 2015

(Through hybrid mode)

***M/s Joatmon Coal Transport Pvt. Petitioner
Ltd.***

Mr. A.Pattnaik, Advocate

-versus-

***CMD, MCF Ltd. Sambalpur and Opposite Parties
others***

Mr.N.C.Sahoo, Advocate

CORAM: JUSTICE ARINDAM SINHA

**ORDER
06.01.2022**

Order No.

- 09.** 1. Mr. Pattnaik, learned advocate appears on behalf of petitioner and submits, his client is a transporter engaged under contractor by Mahanadi Coalfields Limited. Impugned is order dated 3rd August, 2015 made by opposite party no.1 rejecting his client's and other transporter's claim of composite lead to be 6-7 kilometers instead of 5-6 kilometers. He submits, this was necessitated by change of route for return of empty tippers. He refers to report dated 25th May, 2006 submitted by Deputy Chief Engineer (E & M) of Mahanadi Coalfields Limited, on being directed by competent authority, IED Department to conduct a study to arrive at composite lead for two-combined route. Conclusion in the report is that composite lead is 6.43 kilometers, which is in 6-7 kilometers range. Mr. Sahoo, learned

advocate appears on behalf of opposite parties nos.1 to 4 and submits, Mahanadi Coalfields Limited has not been made party.

2. Objection regarding omission to implead Mahanadi Coalfields Limited itself is technical in nature. Impugned order was made by Chairman-cum-Managing Director. The office has been impleaded. Court is satisfied that represented opposite parties have had notice of case.

3. The report is clear on the composite lead being in range of 6-7 kilometers. Impugned order is set aside and quashed. Petitioner is entitled to be paid on rate calculated for composite lead in range 6-7 kilometers in relevant period.

4. The writ petition is disposed of.

(Arindam Sinha)
Judge

RKS

