



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.17450 of 2022

Dinesh Chandra Das

.....

Petitioner

*Mr. M. Kanungo, Sr. Advocate along with
Mr. S.R. Mohanty, Advocate*

Vs.

Union of India & Ors.

.....

Opposite Parties

*Mr. S.S. Kashyap, CGC
Mr. P.K. Muduli,, AGA*

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

19.04.2024

Order No.

10.

I.A. No. 13605 of 2023

This matter is taken up through hybrid mode.

2. This application has been filed for modification of some typographical error crept in the order dated 08.12.2022 passed in this writ petition.

3. Heard Mr. M. Kanungo, learned Senior Counsel appearing along with Mr. S.R. Mohanty, learned counsel for the petitioner and Mr. P.K. Muduli, learned Additional Government Advocate appearing for the State-opposite parties and Mr. S.S. Kasyap, learned Central Government Counsel.

4. Considering the submission made by learned counsel for the parties after going through the I.A. itself, the prayer for modification is allowed.

5. Accordingly, the order dated 08.12.2022 is recalled and a fresh order incorporating necessary correction is passed today.

6. The I.A. stands disposed of.

(DR. B.R. SARANGI)
JUDGE

(B. P. SATAPATHY)
JUDGE

Contd.....



11.

W.P (C) No.17450 of 2022

This matter is taken up through hybrid mode.

2. Heard Mr. M. Kanungo, learned Senior Counsel appearing along with Mr. S.R. Mohanty, learned counsel for the petitioner and Mr. P.K. Muduli, learned Additional Government Advocate appearing for the State-opposite parties and Mr. S.S. Kasyap, learned Central Government Counsel.

3. In compliance of the order dated 28.11.2022, learned Additional Government Advocate appearing for the State-opposite parties files an additional affidavit on behalf of opposite party no.1 after serving a copy thereof on learned Senior Counsel appearing for the petitioner. Paragraph-5 of the said additional affidavit states as follows:

“5. That according to the above the Hon'ble High Court vide order dated 31.10.2022 ordered to file an additional affidavit in this perspective as to why the petitioner has not been allowed to continue, when similarly situated nine persons have been extended with the benefits by withdrawing the lapsing orders and allowed to continue the mines. In view of the above the following are the submissions:

a) That the petitioner has not been able to pay the compensation amount of Rs. 23,66,83,052/- demanded vide demand notice no-2335/Mines dated 04.09.2017 by Mo, Baripada towards excess production beyond the approved limit of EC for the period from 2000-01 to 2010- 11. Additionally, the petitioner has also not paid the demand amount of Rs.13, 56,118/- towards MP/ CTO demanded vide order No-3027/Mines dated 16.11.2017.

b) The petitioner has neither been able to obtain the statutory clearance to commence the mining operation from the concerned authorities nor has been able to satisfy that he has taken appropriate steps to show his bonafide efforts to obtain the aforementioned clearances”.

On perusal of the statement made in paragraph-5 of the additional affidavit, it appears that the petitioner has not complied with certain



conditions, for which withdrawal of lapsing order of the lease of the petitioner has not been granted.

4. Learned Senior Counsel appearing for the petitioner undertakes that the petitioner is willing to comply with the conditions mentioned in the aforesaid affidavit and contends that direction may be issued to the State Government to consider the case of the petitioner once again.

5. In view of such position, this Court disposes of the writ petition permitting the petitioner to comply with the requirements, as mentioned in paragraph-5 of the affidavit, within a period of 15 days. If the petitioner complies with the same within the time stipulated, the authority shall consider the withdrawal of lapsing order of the lease of the petitioner in accordance with law.

6. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(B. P. SATAPATHY)
JUDGE

Arun

Signature Not Verified

Digitally Signed
Signed by: ARUN KUMAR MISHRA
Designation: ADR-cum-Addl. Principal Secretary
Reason: Authentication
Location: High Court of Orissa
Date: 22-Apr-2024 11:36:22

