

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.21621 of 2022

*M/S. Korp Resources Pvt. Ltd., West
Bengal*

.....

Petitioner

Mr. R. Roy, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. D. Nayak, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE G. SATAPATHY

ORDER

29.08.2022

Order No.

01

This matter is taken up through hybrid mode.

2. Heard Mr. R. Roy, learned counsel for the petitioner-Company and Mr. D. Nayak, learned Additional Government Advocate appearing for the State opposite parties.

3. The petitioner-Company has filed this writ petition seeking to quash the demand of interest raised by opposite party no.3 towards delayed payment of royalty under Annexures-2, 3 and 4.

4. Mr. R. Roy, learned counsel for the petitioner contended that the petitioner-Company is aggrieved by the order dated 26.09.2015 under Annexure-2 issued by opposite party no.3 as per audit objection showing interest for the period from 2010-11 to 2012-13 of Rs.9,23,405/- towards delayed payment of royalty. It is stated that the petitioner-Company is not liable to pay the aforesaid amount and therefore, the same should be quashed.

5. Mr. D. Nayak, learned Additional Government Advocate appearing for the State opposite parties contended that the petitioner-Company has approached this Court against the cause

of action arose on 26.09.2015 under Annexure-2 and, as such, the same is being money claim, is grossly barred by limitation. Even though the petitioner has issued reminder on 25.11.2021, that cannot save the limitation prescribed for realization of financial dues admissible to the State.

6. Considering the contentions raised by learned counsel for the parties and after going through the records, it appears that for delayed payment of royalty for the period from 2010-11 to 2012-13, realizing a demand of Rs.9,23,405/-, the petitioner has approached this Court in 2022, after expiry of limitation period. More so, in the name of reminder made in 2021, the petitioner cannot save the limitation, as provided for money claim. As such, the writ petition suffers from delay & laches.

7. In that view of the matter, the writ petition stands dismissed for delay and laches.

(DR. B.R. SARANGI)
JUDGE

(G. SATAPATHY)
JUDGE

Alok/Subhasmita