

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 23055 of 2022

***Jagannath Carrier Services
Pvt. Ltd., New Delhi***

.....

Petitioners

Mr. A. Mohanty, Advocate

Vs.

***Mahanadi Coalfields Ltd.,
Sambalpur & Anr.***

.....

Opposite Parties

CORAM:

DR. JUSTICE B.R. SARANGI

Mr. JUSTICE G. SATAPATHY

ORDER

07.09.2022

Order No.

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This matter is taken up through hybrid mode.

2. Heard Mr. A. Mohanty, learned counsel for the petitioner.

3. The petitioner has filed this writ petition seeking direction to opposite party no.1 to allow the petitioner-company to replace the existing old tippers (10-Wheeler) tippers by new tippers (12-Wheeler) and further to dispose of its representation at Annexure-2 within a period of 15 days.

4. Mr. A. Mohanty, learned counsel for the petitioner contended that the petitioner-company has engaged its tippers of tippers (10 Wheeler) with maximum capacity of 16 tonnes, under the opposite party-MCL. As those tippers have become old, now the petitioner wants to replace the same by 12 wheeler tippers. To the above extent, although the petitioner has made a representation to opposite party no.1 vide Annexure-2, the same is still pending without being attended to. Therefore, the petitioner seeks direction to the opposite party to dispose of the said representation within 15 days.

5. Having heard learned counsel for the petitioner and

after going through the records, it appears that a Memorandum of Understanding between CIL & DGR was executed, sub-clause-(iv) of Clause-6 whereof states that the minimum capacity of the tippers should be 10 wheelers i.e. 16 tonnes. Since the petitioner wants to enhance the tippers capacity from 10 wheeler to 12 wheeler, this Court called upon learned counsel for the petitioner to place before this Court the materials to that effect whereby the authority has agreed to enhance the capacity of the tippers, but he was unable to indicate anything from the writ petition. In absence of any terms and conditions of the MoU with regard to enhancement of capacity of the tippers and also what would be their maximum capacity, this Court is not inclined to issue any direction to dispose of the representation, as it is a tender matter. However, liberty is granted to the petitioner-company to pursue its remedy before the appropriate forum, if it is so advised.

6. With the above observation, the writ petition stands disposed of.

7. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(G. SATAPATHY)
JUDGE