

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 24034 of 2019

M/s TRL Krosaki Refractories Ltd.

.....

Petitioner

Mr. S.P. Sarangi, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. T. Pattnaik, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE S.K. MISHRA

ORDER

06.07.2022

Order No.

08.

This matter is taken up through hybrid mode.

2. Heard Mr. S.P. Sarangi, learned Counsel appearing for the Petitioner and Mr. T. Pattnaik, learned Addl. Standing Counsel for the State-Opposite Parties.

3. The Petitioner has filed this Writ Petition seeking to quash the letters dated 26.08.2019 and 16.10.2019 under Annexure-1 by declaring the same as ultra vires to Section 21(5) of MMDR Act, 1957.

4. On perusal of Annexure-1, it appears that demand was raised by the Authority for payment of Rs.5,39,71,690/-.

5. Mr. S.P. Sarangi, learned Counsel appearing for the Petitioner contended that though under protest the aforesaid amount has already been deposited during pendency of the Writ Petition before the Authority concerned, but the Petitioner wants to pursue the matter before the appropriate forum.

6. Mr. T. Pattnaik, learned Addl. Standing Counsel for the State-Opposite Parties raised preliminary objection with regard to maintainability of the Writ Petition and contended that in terms of

Rule 46(1) of the Odisha Minor Mineral Concession Rules, 2016, appeal would lie to the Director of Mines against the Order passed by the Mining Officer.

7. Considering the contention raised by learned Counsel for the parties and after going through the records, with the consent of learned Counsel for the parties, this Writ Petition stands disposed of permitting the Petitioner to pursue its remedy in terms of Rule 46(1) of the Odisha Minor Mineral Concession Rules, 2016 by preferring appeal before the appropriate forum in accordance with law.

Issue urgent certified copy as per Rules.

(DR. B.R. SARANGI)
JUDGE

(S.K. MISHRA)
JUDGE

Ashok/Padma

