

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No.25085 of 2019**

***Er. Rainy Rose***

....

***Petitioner***

M/s. Ashok Kumar Das, Advocate and associates

*-versus-*

***Department of Steel and Mines, Union  
of India and others***

....

***Opposite Parties***

Mr. P.K. Parhi, ASG along with  
Ms. Babita Sahu, C.G.C. for Union of India

**CORAM:**

**THE CHIEF JUSTICE**

**JUSTICE CHITTARANJAN DASH**

**ORDER**

**24.08.2022**

**Order No.**

08.

1. This petition was filed in 2019 questioning a notice inviting tender (NIT) dated 6<sup>th</sup> December 2019 as being contrary to the provisions of the Mines and Minerals (Development and Regulation) Act, 1957. While notice was issued in the present petition on 12<sup>th</sup> December 2019, on 2<sup>nd</sup> January 2020, it was made clear that the tender process was not being stayed. However, it was directed that “allotment, if any made thereto shall be subject to the result of the writ petition.”

2. Thereafter, the present petition has not even listed once in the last more than 20 months. In its own turn, it has come up for hearing today.

3. When the learned counsel for the Petitioner was asked if any steps had been taken to ascertain who the successful allottees were and whether they have been impleaded as parties to the writ

petition, the answer was in the negative. This raises serious doubts whether the Petitioner is serious in pursuing the petition.

4. Considering that there must have been allottees by now pursuant to the NIT in question, it would be open to the Petitioner, if, after ascertaining who such allottees are, and if such allotments still required to be challenged, to file an appropriate petition with proper pleadings making such allottees as parties to the petition in accordance with law.

5. The writ petition is accordingly disposed of.

6. Issue urgent certified copy of this order as per rules.

**(Dr. S. Muralidhar)**  
**Chief Justice**

**(Chittaranjan Dash)**  
**Judge**

*S.K. Guin*