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07.07.2023
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 14940 of 2023

M/s. RC and AT (JV) & Anr.

Vs.

Eastern Coalfields limited & Ors.

Mr. Debajyoti Basu,

Mr. Subhojit Seal,

Mr. Dibyendu Ghosh

...for the petitioners

Mr. Syed Nurul Arefin,

Ms. Reshmi Binayak

...for the ECL Authorities

Learned counsel appearing for the petitioners seeks leave to withdraw the writ petition with liberty to sue afresh on the self-same cause of action.

Learned counsel appearing for the respondent-authorities rightly points out that on the last occasion, when the matter was called on for hearing, a specific objection to maintainability of the writ petition on the ground of suppression of material facts by the petitioners was taken by the respondents.

It is seen from the order dated June 28, 2023, that several grounds were urged by the petitioners while moving the writ petition. It was argued, *inter alia*, that prior to blacklisting the petitioners, no hearing was given to the petitioners.

However, learned counsel appearing for the respondents controverted such submissions and handed over copies of the purported show cause notices issued to the petitioners on the question of why the LOA should not be cancelled with forfeiture of EMD/Security deposit, along with banning of the business.

It was further submitted that a hearing was given to the petitioner and the minutes of such personal hearing, signed by the petitioners, were also a part of the said bunch of such documents.

Upon the said submissions, the respondents were directed to file their affidavits annexing all relevant documents and a reply thereto was directed to be filed by the petitioners.

However, to cover up such suppression of material documents and facts, the petitioners have come up today to seek withdrawal of the writ petition with liberty to sue afresh.

Such conduct of the petitioners, as rightly contended by the respondents, is patently mala fide and an effort to get indirectly what the petitioners could not get directly.

Since the petitioners are now admittedly guilty of suppression of materials facts, and it has been virtually admitted by the petitioners that several important documents and facts were not disclosed with the writ petition, no such further liberty to sue afresh ought to be granted to such recalcitrant litigants.

Accordingly, W.P.A. No. 14940 of 2023 is dismissed, with costs of Rs.10,000/- (Rupees Ten Thousand) to be paid by the petitioners within a week from date to the respondent-authorities, directly or through their learned advocates in this court.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)