



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

MISC. CIVIL APPLICATION (REVIEW) NO. 384 OF 2024

IN

WRIT PETITION NO.8274 OF 2023 (D)

(MAHAVIR COAL RESOURCES PRIVATE LIMITED...VS..THE UNION OF INDIA, THR. ITS SECRETARY,
MINISTRY OF COAL & OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.S.Ghate, Advocate for Petitioner.
Shri N.S.Deshpande, A.S.G.I. for Respondent Nos.1 & 2.

CORAM : ANIL S. KILOR, AND
SMT.M.S.JAWALKAR, JJ.

DATED : MARCH 07, 2025.

1. Heard.
2. Shri Ghate, learned counsel for the applicant, argues that the authority which had issued the impugned order terminating the Coal Mine Development and Production Agreement and forfeiting the Bid Security Amount, had no authority to issue such order. It is submitted that this point was not considered while finally deciding the petition. However, we find that this argument was not made during the hearing conducted on the writ petition, and since the said argument was not made, it was not dealt with, by us in the judgment.
3. There is no dispute that the judgment was pronounced in the open Court on 21st March 2024 and it was uploaded immediately on the official website of Bombay High Court.

4. No pursis or application was filed immediately to point out to this Court that such argument was made and it was not considered. Now, after lapse of considerable time raising such point cannot be permitted.

5. Another argument, which Shri Ghate, learned counsel for the applicant has made is that no notice was issued before terminating the agreement and forfeiting the amount.

6. We do not find favour with this argument for the reason that final reminder dated 1st August 2023 itself contained the notice and before that in the final extension order dated 20/06/2023 there was a specific mention that the extension granted was the final extension and subsequent appeal for extension shall not be taken into consideration in future.

7. In that view of the matter, considering the law as regards the review and considering the limited jurisdiction of this Court in such matters, the argument which were not advanced cannot be considered at the time of hearing the review petition.

8. In view of above, since we do not find any merit in the present application, the application is **rejected**. No order as to costs.

(SMT. M.S.JAWALKAR,J)

(ANIL S.KILOR,J)