

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**TUESDAY, THE TWENTY THIRD DAY OF JANUARY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION NO: 550 OF 2024

Between:

M/s GKR Infracon (India) Pvt. Ltd., Plot No.43-N-111, H.No.8-2-293/82/J111/43/N,
Road No.71, Jubilee Hills, Hyderabad-500033, Represented by the its Managing
Director, L. Gopi Krishna

...PETITIONER

AND

1. The Singareni Collieries Company Limited, Company incorporated under the Companies Act, 1956, Reg. Off @ Kothagudem Collieries, Bhadradi Kothagudem District, Telangana State, Represented by its Chairman and Managing Director.
2. General Manager, Contract Management, The Singareni Collieries Company Limited, Bhadradi Kothagudem District, Telangana State, Represented by its Chairman and Managing Director.
3. The Project Officer, JVR OC-II Mine Sathupalli, Kothagudem area, The Singareni Collieries Company Limited, Bhadradi Kothagudem District, Telangana State, Represented by its Chairman and Managing Director.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an order or direction more particularly one in the nature Writ of Mandamus declaring the action of the respondents in not issuing the gate pass to the petitioners vehicles more specifically mentioned in annexure, as illegal, arbitrary, violative of Art.14, 19(1)(g) and 300-A of constitution of India, consequently to direct the respondents to issue gate pass to the petitioners vehicles and permit to ply the same at their choice of place.

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents not to retain the petitioner's vehicles as mentioned in annexure.

Counsel for the Petitioner: SRI P.SHASHI KIRAN

**Counsel for the Respondents: SRI P.SRI HARSHA REDDY,
(SC FOR SINGARENI COLLIERIES CO LTD)**

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION No.550 of 2024

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking following prayer:-

".....to issue an order or direction more particularly one in the nature Writ of Mandamus declaring the action of the respondents in not issuing the gate pass to the petitioner's vehicles more specifically mentioned in annexure as illegal, arbitrary, violative of Articles 14, 19(1)(g) and 300A of constitution of India, consequently to direct the respondents to issue gate pass to the petitioner's vehicles and permit to ply the same at their choice of place and pass such other order or orders..."

2. Heard learned counsel for the petitioner and learned Standing Counsel for Singareni Collieries Company Limited appearing for the respondents. Perused the record.

3. Learned counsel for the petitioner submits that the petitioner was awarded the work of drilling, excavation, transportation, dumping, spreading and levelling of soil, etc, by respondent No.2 and purchase order was issued *vide* purchase order No.7600008857, dated 09.11.2021. Since the date of award of contract, there are many flaws at the end of the respondents. As such, the petitioner could not execute the work as per contract. The petitioner had issued purchase orders for procurement of various machineries required for mining activity and also given

necessary financial closure to the concerned manufacturers for supply of said machinery. However, due to COVID-19 pandemic and other issues, the manufacturers were not able to deliver the said machinery at an agreed time intervals and the same was also brought to the notice of the respondents and exemption was sought from levy of penalties and because of non-consideration and resolving of issues by the respondent authorities, the petitioner could not execute the work. The respondent authorities without having any right or power withheld the vehicles, which are under hypothecation. However, due to non-issuing of gate passes by the respondents, the petitioner is unable to ply the vehicles. The action of respondent No.3 in not issuing gate passes to the petitioner's vehicles and retaining the same is arbitrary and illegal. There is no clause or term or condition whatsoever that empowers the respondents to retain the vehicles, pending any dispute. Therefore, appropriate orders be passed in the writ petition by directing the respondents to release the gate passes to the petitioner's vehicles.

4. Learned Standing Counsel for Singareni Collieries Company Limited appearing for the respondents, on instructions, submits that the respondents have no objection for issuing gate passes to

the vehicles of the petitioner on payment of amount due to SCCL and the amounts due to the workers.

5. The said submissions are taken on record.

6. In view of the aforesaid submissions, with the consent of both the parties, the Writ Petition is disposed of at the admission stage, directing the respondents to issue gate passes to the petitioner's vehicles subject to the petitioner paying the amount due to the workers. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

SD/-K. SREERAMA MURTHY
ASSISTANT REGISTRAR

NOTE: That the words "to SCCL and also the amounts due" read at para No.6 of the Order dated 23.01.2024 in W.P.No.550 of 2024 are deleted as per the Orders of Hon'ble Court dated 31.01.2024 in I.A.No.2 of 2024.

This amended order shall substitute the earlier order which has already been dispatched on 30.01.2024.

SD/- B.SARASWATHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

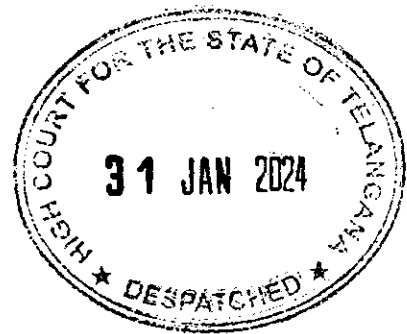
1. The Chairman and Managing Director, Singareni Collieries Company Limited, Company incorporated under the Companies Act, 1956, Reg. Off @ Kothagudem Collieries, Bhadradi Kothagudem District, Telangana State.
2. The General Manager, Contract Management, The Singareni Collieries Company Limited, Bhadradi Kothagudem District, Telangana State, Represented by its Chairman and Managing Director.
3. The Project Officer, JVR OC-II Mine Sathupalli, Kothagudem area, The Singareni Collieries Company Limited, Bhadradi Kothagudem District, Telangana State, Represented by its Chairman and Managing Director.
4. One CC to SRI P.SHASHI KIRAN, Advocate. [OPUC]
5. One CC to SRI P.SRI HARSHA REDDY, (SC FOR SINGARENI COLLIERIES CO LTD). [OPUC]
6. Two CD Copies.

BSK
BS



HIGH COURT

**DATED: 23/01/2024
31/01/2024**



AMENDED ORDER

WP.No.550 of 2024

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

⑧
mt
31/1/24