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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 1139/2024**

CHOWGULE AND COMPANY PRIVATE LIMITED Petitioner

Through: Mr. Ninad Laud, Mr. Anjuman
Tripathy, Mr. Aditya Pratap Swain,
Advocates

versus

UNION OF INDIA AND ANR

..... Respondents

Through: Mr. Kirtiman Singh, CGSC with
Mr. Waize Ali Noor, Mr. Varun
Rajawat, Mr. Kartik Baijal, Ms. Vidhi
Jain, Ms. Shreya V Mehra, Mr. Varun
Pratap Singh, Advocates for UOI

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **25.01.2024**

CM APPL. 4788/2024 (Exemption)

Allowed, subject to all just exceptions.

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1. The Petitioner has approached this Court challenging the Minutes of Meeting dated 07.12.2023 and 08.12.2023 passed by the Scrutiny Committee formed by the Ministry of Coal, Government of India.
2. The Petitioner was allotted a Sahapur East Coal Mine situated in the District Shahdol and District Umaria, Madhya Pradesh. The said coal mine was allotted to the Petitioner after the lease given to the erstwhile allottee was cancelled and re-allotted to the Petitioner in terms of the Coal Mine

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Development and Production Agreement entered into between the Petitioner and the Respondent.

3. In terms of the said Agreement, the Petitioner has given performance bank guarantees to the Respondents. The mining operations have to be conducted in accordance with the efficiency parameters laid down in the agreement. A show cause notice was issued on 11.07.2023 for the delay on the part of the Petitioner in achieving the efficiency parameters prescribed under the Agreement.

4. The scrutiny committee in its meeting held on 07.12.2023 and 08.12.2023 had deliberations regarding the coal mine of the Petitioner and the following observations/recommendations have been given:-

"Observation & Recommendation:

The Scrutiny Committee observed that the show cause was given for delay in achievement of MS-3, i.e grant of Environment clearance whose due date was 02.12.2022. Upon discussion it transpires that the Allottee had submitted application of ToR for different area than the approved Mining Plan area. It was also noted that the Allottee had not complied with the observations of the EAC such as submission of revised Mining Plan within the stipulated timeline. The Committee also noted that FC stage- I has also not been granted till date and even in case the EC is recommended by EAC, the grant letter for EC will not be issued till the grant of FC-I. The Allottee should have made parallel effort for grant of FC stage-I also. Therefore, the Committee recommends for imposition of penalty as per the provision of Coal Mines Development & Production Agreement (CMDPA)."

5. The Petitioner approached this Court challenging aforesaid Minutes of Meeting.



6. Learned Counsel submits that the delay could not be solely attributed to the Petitioner and the delay was primarily due to the fact that several additional onerous conditions were put by the Expert Appraisal Committee (EAC).

7. *Per contra*, Mr. Kirtiman Singh, learned CGSC for the Union of India, states that the present petition is premature inasmuch as the recommendations of the Scrutiny Committee have to be approved by the Nominated Authority, i.e., Respondent No.2 herein. He further states, on instructions, that in the peculiar facts and circumstances of this case, the Petitioner can file a representation on the difficulties faced by the Petitioner and get a benefit of the revised timeline.

8. Mr. Ninad Laud, learned Counsel for the Petitioner, on instructions, seeks permission to withdraw this writ petition with liberty to approach the Nominated Authority by filing a representation in accordance with law explaining the difficulties faced by the Petitioner in achieving the requisite efficiency parameters.

9. Permission and liberty, as prayed for, is granted.

10. The writ petition is disposed of as withdrawn along with pending application(s), if any.

11. It is made clear that this Court has not made any observations on the merits of the case.

SUBRAMONIUM PRASAD, J

JANUARY 25, 2024

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