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

+ **W.P.(C) 10453/2023 & CM APPLs. 40511/2023, 40512/2023**

TRIMULA INDUSTRIES LIMITED

..... Petitioner

Through: Mr. Ajit Kumar Sinha, Sr. Advocate
with Mr. Aditya Malhotra and Mr.
Naveen Soni, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Sandeep Kumar Mahapatra,
CGSC with Mr. Tribhuvan, Advocate
for R-1 & 2.

Mr. Vishnu Sharma, Standing
Counsel with Mr. Arunabh
Choudhary, Mr. Bijoy Kumar
Pradhan, Advocates along with Ms.
Madhusmita Bora, AOR for State of
Jharkhand/R-3.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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16.05.2024

1. The Petitioner seeks to challenge the Order dated 02.08.2023, passed by the Respondents appropriating the performance guarantee of Rs.42,34,29,600/-

2. Paragraph No.11 of the impugned Order reads as under:

“11. Attention is invited to Section 27 of the Coal Mines {Special Provisions} Act, 2015 providing for adjudication by the Tribunal constituted under the Coal Bearing Areas (Acquisition and Development) Act, 1957. For the instant Coal Mine the Tribunal



situated at Ranchi, Jharkhand shall have jurisdiction.”

3. In view of the fact that an alternate remedy is available to the Petitioner, this Court is of the opinion that the Petitioner must approach the Appellate Authority.
4. Learned Counsel for the Petitioner states that the Bank Guarantee has been extended for one year.
5. Accordingly, the Writ Petition is disposed of with a direction to the Petitioner to approach the Appellate Authority within four weeks from today by filing an application of stay. It is made clear that till the application of stay is not decided by the Appellate Authority, the bank guarantee will not be invoked.
6. Pending applications, if any, also stand disposed of.

SUBRAMONIUM PRASAD, J

MAY 16, 2024

Rahul