



\$~74

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 11790/2023 & CM APPL. 46042/2023, 2427/2024,
2436/2024

DAMODAR VALLEY CORPORATION Petitioner

Through: Mr. J. Sai Deepak, Mr. Luv Virmani,
Mr. Ehraz Zafar and Mr. Pranav,
Advs.

versus

UNION OF INDIA THROUGH NOMINATED AUTHORITY &
ORS. Respondents

Through: Mr. Kirtiman Singh, CGSC with Mr.
Waize Ali Noor, Mr. Varun Rajawat,
Mr. Varun Pratap Singh, Ms. Shreya
V. Mehra and Ms. Vidhi Jain, Advs
for R-1 and R-2.
Mr. Santosh Kumar Rout, SC for
PNB with Ms. Dharna Veragi, Advs
for R-6.

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

24.01.2024

%

1. Petitioner has approached this Court challenging the recommendations dated 27/28.07.2023, passed by the Scrutiny Committee of Respondent No.1 regarding Tuber Coal Mines which have been allotted to the Petitioner herein. Recommendations of the Committee reads as under:

“It was observed that the completion of land acquisition and other successive milestones have been



delayed due to delay in grant of EC and FC. The application of EC and FC were stuck at the State Government level. It is seen that even after grant of FC stage-II by MoEF&CC, the forest land has not been transferred to the Allottee. Thus, the Committee is of the view that the Allottee cannot be held responsible for the delay in achieving the said milestones, as the timely achievement was beyond the control of the Allottee. Since Land Acquisition was delayed, there was delay in applying for Mine Opening Permission and Escrow account opening. In view of these points, the committee recommended for not imposing any penalty on the Allottee for delay in completion of the milestones mentioned in the show cause notices as they are not found to be responsible for the delay.”

2. Communication dated 21.08.2023 indicates that the recommendations of the Committee were placed before the Competent Authority in Ministry of Coal for approval.
3. When this Court suggested to the learned Counsel for the Petitioner that it would be better to wait for the decision of the competent authority, learned Counsel for the Petitioner contends that Section 27 of the Coal mines (Special Provisions) Rules, 2014 provides that the Orders of the Nominated Authority can be challenged before the Tribunal constituted under the Coal Bearing Areas (Acquisition and Development) Act, 1957. He further points out that Section 27(4) of the Coal mines (Special Provisions) Rules, 2014 specifically provides that after commencement of the Act, no court or other authority, except the Supreme Court and a High Court, shall have, or be entitled to exercise, any jurisdiction, powers or authority, in relation to matters connected with the Act. He, therefore, states that the Petitioner need not wait for the final decision of the Competent Authority in



Ministry of Coal. He further states that in view of the recommendations of the Committee for appropriation of the Bank Guarantee the Petitioner need not wait for the decision of the Competent Authority and there is an imminent danger that the Bank Guarantee will be appropriated.

4. This Court *vide* Order dated 10.11.2023 passed in **W.P.(C) 14742/2023**, titled as Yazdani International Pvt. Ltd. and Anr. v. Union Of India and Anr., had permitted the Petitioners therein to raise their grievances before the Tribunal by filing an application for interim relief within two weeks.

5. In view of the above, the instant Writ Petition is disposed of with a direction to the Petitioner to approach the Tribunal by filing an application for interim relief within two weeks from today and the Tribunal is directed to decide the application within one week thereafter. The Respondents are restrained from invoking the bank guarantee till the application for interim relief is decided by the Tribunal.

6. The Writ Petition is disposed of. Pending applications, if any, also stand disposed of.

SUBRAMONIUM PRASAD, J

JANUARY 24, 2024

Rahul