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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 11398/2024 & CM APPLs. 47275/2024, 47276/2024**
AURO INFRA PRIVATE LIMITEDPetitioner

Through: Mr. Abhimanyu Bhandari, Senior
Advocate with Ms. Nattasha Garg and
Mr. Thakur Ankit Singh, Advocates.
versus

UNION OF INDIARespondent
Through: Mr. Kirtiman Singh, CGSC with Mr.
Waize Ali Noor, Mr. Ranjeev
Khatana, Mr. Maulik Khurrana and
Mr. Varun Pratap Singh, Advocates.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

% **ORDER**
21.08.2024

1. The Petitioner has filed the present petition assailing order dated 1st August, 2024¹ passed by Respondent for appropriation of an amount of INR 2.16 crores against the Performance Bank Guarantee furnished by the Petitioner under the Coal Mines Development and Production Agreement (CMDPA) executed on 11th January, 2021. This Impugned Order has been passed pursuant to the recommendations of the Scrutiny Committee dated 4th June, 2024.
2. The Petitioner challenges the Impugned Order as well as the recommendations of the Scrutiny Committee, contending that they have

¹ "Impugned Order"



failed to consider their communication dated 16th April, 2024. The said communication explains that the non-compliance with ‘Efficiency Parameters’ under the CMDPA was on account of factors beyond their control.

3. In response, Mr. Kirtiman Singh, CGSC for Respondent, submits that the Petitioner has an alternate appropriate remedy available under Section 27 of the Coal Mines (Special Provisions) Act, 2015². He further points out that the Impugned Order also makes specific reference to this provision, which 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.”

4. Mr. Abhimanyu Bhandari, Senior Counsel for Petitioner, states that the Petitioner is agreeable to take recourse to Section 27 of the Act, however, he submits that the present petition was filed urgently as the Petitioner apprehended appropriation of the bank guarantee by the Respondent. Mr. Bhandari, on instructions, confirms that the bank guarantee has already been appropriated. Nonetheless, he presses for protection *qua* the further directions issued in the Impugned Order.

5. Considering the aforementioned circumstances, the present writ petition is disposed of with the following directions:

5.1. Petitioner is directed to approach the appropriate Tribunal under Section 27 of the Act.

5.2. The Petitioner shall be free to apply for interim relief within a period



of two weeks from today, which shall be considered and decided by the Tribunal, in accordance with law.

5.3. Till such time that the Tribunal considers the Petitioner's application, no further action, as contemplated in the Impugned Order dated 1st August, 2024 read with Minutes of Meeting dated 8th May, 2024, would be taken.

6. It is clarified that the Court has not examined or commented on the merits of the case. All rights and contentions of the parties are left open. The Petitioner is free to raise all the grievances, as urged in the present petition, before the Tribunal.

7. With the above directions, the present petition, along with pending applications, is disposed of.

SANJEEV NARULA, J

AUGUST 21, 2024

as

² "the Act"