

18-06-2025
Item No.86 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.8109 of 2025
M/s. MT-JSEIPL (JV) & Anr.

-vs-

Eastern Coalfields Limited & Ors.

Mr. Bikash Ranjan Bhattacharya, sr. adv.
Mr. Subhabrata Datta, adv.
Mr. Debashis Sarkar, adv.
Mr. Aranya Saha, adv.
Mr. Turhar Saha, adv. ...for the petitioners

Mr. Ayan Poddar, adv.
Ms. Anjali Shaw, adv. ...for the respondents

1. The petitioners are aggrieved by an order of debarment passed by the Eastern Coalfields Limited (ECL) on March 27, 2025 (Annexure P9, p.45).
2. It appears that the order of debarment was passed after affording an opportunity of hearing to the petitioner.
3. Challenging the action of ECL, the petitioners filed a civil suit before the learned trial Court being Title Suit No.186 of 2025. Though an order of injunction was initially passed on March 25, 2025 restraining the defendants from taking any punitive and coercive action against the plaintiff without following the due procedure till April 23, 2025, but contrary to the said direction, ECL passed the order of debarment on March 27, 2025.
4. It appears that the fact of passing the impugned

order of debarment was brought to the notice of the learned trial Court and prayer for stay of the same was made before the trial Court. Vide order dated March 28, 2025, the learned trial Court, after considering the submission of the petitioners, refused to pass any order in the matter.

5. The petitioners pray for setting aside of the impugned order of debarment.
6. Learned counsel representing ECL raises an objection with regard to the maintainability of the writ petition. It has been pointed out that the issue in question is already pending consideration before the learned trial Court and that the petitioners ought not to be permitted to proceed with the instant writ petition.
7. I have heard the respective submissions made on behalf of both the parties.
8. It appears that indeed the order of debarment was brought to the notice of the trial Court and that the learned trial judge after considering the prayer of the petitioner was pleased to refuse to pass any order.
9. Hence, running a parallel writ proceeding on the self-same cause of action will not be proper. The writ petition thus fails and is hereby dismissed.
10. However, dismissal of the writ petition will not preclude the petitioners from proceeding with the suit for necessary relief. The learned trial Court will consider and dispose of the suit without being influenced by any observation made hereinabove.
11. As the writ petition is disposed of without calling for any affidavits, the allegations contained in the writ petition are deemed not to have been admitted by the respondents.

12. A typographical error has crept up in the order dated May 13, 2025. In para.1 of the said order, the word “respondents” be replaced by the word “petitioners”.
13. The department is directed to carry out the correction as aforesaid.
14. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
15. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]