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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 11581/2023, CM APPL. 45122/2023 & CM APPL.
45123/2023
SHIVSHAMBHU COAL CARRIERS PRIVATE LIMITED

.....Petitioner

Through: Ms. Shweta Bharti, Mr. Shantanu Malik, Ms. Jyoti K. Chaudhary, Mr. Rohit Jolly, Mr. Yashodhara B Roy, Ms. Darshita Sethia and Ms. Prakarti Shrivastava, Advocates.

versus

COAL INDIA LIMITED AND ORS.

.....Respondents

Through: Mr. Atmaram N. S. Nadkarni Sr. Adv. with Dr. Harsh Pathak, Mrs. Shaveta Mahajan, Mr. Mohit Choubey, Mr. Salvador Santosh Rebello, Ms. Deepti Arya and Mr. Aditya Nema, Advocates for Coal India Limited. Ms. Radhika Bishwajit Dubey, CGSC with Ms. Gurleen Kaur, Mr. Vivek Sharma, Ms. Aparajit Verma, Advocates for DGR with Lt. Col. Abhishek Juyal, DGR, JD (SE). Ms. Archana Surve, GP for UOI.

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

ORDER
07.08.2025

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1. This hearing has been done through hybrid mode.
2. The present petition under Article 226 of the Constitution of India seeks the following prayers:



- “1. Issue a Writ of Mandamus directing Respondent Nos. 1 and 2 to make allocations of coal loading and transportation works on regular and on-going basis to Petitioner, in terms of the Scheme/MOD, and while ensuring that not less than 30% of coal loading and transportation work is allocated to the ESMs, including the Petitioner;
- ii. Issue a Writ of Mandamus directing the Respondents to implement and give effect to the object and purpose of the Ex-Servicemen (ESM) Coal Loading and Transportation Scheme, and continue making allocation of coal transportation work to the ESM Companies, including Petitioner;
- iii. Issue a writ in the nature of Certiorari, or any other appropriate Writ/Order/Direction, thereby quashing the Impugned Letters dated 26.06.2020 and 30.06.2020 (Annexure P-1 (Colly)) issued by Respondent No. 1 and 03.08.2023 (Annexure P-2) issued by Respondent No.2 ,and any other unilateral action by Respondent No. 1 or its subsidiary, towards attempting discontinuation of the Schemes;
- iv. Issue a Writ of Mandamus directing the Respondents to consider the grant/sanction of the extension of Sponsorship of Petitioner and renewal of Transport Agreement of Petitioner Company for a second term of four (4) years commencing from 23.11.2023 in accordance with Clause 8 of the governing MoU;
- v. Issue a Writ of Mandamus directing the Respondents to consider the grant/sanction for fleet extension to the Petitioner pursuant to grant of extension for another term of four (4) years in terms of the governing MOU;
- vi. Issue a Writ of Mandamus directing the Respondents to make a minimum allocation of 30% of coal transportation work of Respondent No. 1 in all its subsidiaries, including Respondent No. 2, on the basis of past practice, to ESM Cos. and Eligible Persons under the Scheme, including the Petitioner herein;
- vii. Issue a Writ of Mandamus directing the Respondents, that in the absence of any policy for allocation of coal transportation of work to various classes of persons, such policy be formulated expeditiously by giving proper consideration to the rights of the Ex-Servicemen and all other eligible persons under the Scheme;
- viii. Issue a Writ of Mandamus directing the Respondents to take immediate and expeditious steps towards execution of the revised/new MoU giving effect to the Scheme;
- ix. Award the costs of the present Petition in favour of the Petitioner



and against the Respondents; and
Pass any such further orders in favour of the Petitioner and against the Respondents as this Hon'ble Court may deem fit and proper in the present facts and circumstances;"

3. Learned counsel for Directorate General of Resettlement ('DGR'), on instructions of Lt. Col. Abhishek Juyal submits that there is no objection with respect to grant of extension of tenure of the petitioner/company in terms of Memorandum of Understanding dated 12.12.2013. It is further submitted that on a representation made by the petitioner-company for enhancement of fleet as per clause 7 of MoU dated 12.12.2013, the same shall be decided by the competent authority in accordance with the rules.
4. In view of the above, learned counsel for the petitioner does not wish to press the present petition.
5. Accordingly, the present petition is not pressed and disposed of accordingly.
6. Pending application(s), if any, also stands disposed of.
7. On the representation being made by the petitioner-company, the same shall be disposed of by the competent authority within a period of 3 months from today.

AMIT SHARMA, J

AUGUST 7, 2025/bsr/dj