



2026:DHC:1675



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 15928/2024 and CM APPL. 66939-66941/2024, CM APPL. 10639/2026

Date of Decision: **16.02.2026****IN THE MATTER OF:**

HINDALCO INDUSTRIES LIMITED

.....Petitioner

Through: Mr. P Chidambaram, Sr adv. and Mr. Gautam Narayan Sr. Adv. With Mr. Ashish Prasad , Ms. Mukta Dutta, Mr. Hasnat Nazki, Mr. Siddhartha Sharma Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr Ishkaran Bhandari, CGSC and Mr Rudra Paliwal GP.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

J U D G E M E N T**PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

1. The petition is for setting aside the appropriation order dated 06.11.2024, passed by the Nominated Authority appointed by the Central Government. *Vide* the impugned order, ten per cent of the performance security furnished in the form of bank guarantee by the petitioner has been directed to be appropriated. The petitioner has further been directed to top-up the bank guarantee within fifteen days from the date of receipt of the

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order.

2. The petition earlier came up for hearing on 18.11.2024 and the Court has passed the following interim directions:

“5. Till the next date of hearing, the Respondents shall not take any action for appropriation of the Performance Bank Guarantee.”

3. The bank guarantee, therefore, has not been appropriated till date. Various submissions have been made by Mr. Chidambaram to indicate that the directions passed by this Court have not been fully complied with. According to him, in pursuance to the liberty granted by the Court, a specific representation was made on 29.07.2024 and if the issues raised therein are considered in the context of the observations made by the Nominated Authority, there does not seem to be any application of mind.

4. Mr. Ishkaran Bhandari, learned counsel for the respondent, however, submits that all the submissions have been appropriately considered. He has also placed on record various decisions, to emphasise that under almost similar circumstances the Courts have relegated the petitioners to avail the alternate remedy. Reliance is placed on the decisions in the cases of *Yazdani International Pvt. Ltd. and Anr. vs. Union of India and Anr.*,¹ *M/s Steel Authority of India Limited (SAIL) vs. Union of India & Anr.*,² *Trimula Industries Limited vs. Union of India and Ors.*,³ *Trimula Industries Limited vs. Union of India and Ors.*,⁴ *Auro Infra Private Limited vs. Union of India*,⁵ *Damodar Valley Corporation vs. Union of India Thr.*

¹ Order dated 10.11.2023 in WPC 14742/2023

² Order dated 15.01.2024 in WPC 441/2024

³ Order dated 16.05.2024 in WPC 10453/2023

⁴ 2024:DHC:3599-DB

⁵ Order dated 21.08.2024 in WPC 11398/2024

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Nominated Authority & Ors.,⁶ Shree Satya Mines Private Limited vs. Union of India & Ors.,⁷ Rungta Metals Private Limited vs. Union of India & Anr.,⁸ JSW Steel Ltd. vs. Union of India & Ors.,⁹ JSW Steel Ltd. vs. Union of India and Ors.¹⁰

5. The Court finds that the grievance of the petitioner, namely, the alleged non-application of mind by the Nominated Authority and the legal consequences flowing therefrom, fall squarely within the adjudicatory domain of the Tribunal constituted under the Coal Bearing Areas (Acquisition and Development) Act, 1957, in exercise of powers conferred under Section 27 of the Coal Mines (Special Provisions) Act, 2015. The statute provides a complete and efficacious mechanism for redressal of such grievances, including examination of procedural infirmities, consideration of representations, and scrutiny of consequential actions.

6. It is a settled principle of law that where a statute provides an efficacious alternate remedy before a specialized forum, the writ jurisdiction of this Court ought not to be invoked in the first instance, save in exceptional circumstances. The present case does not warrant deviation from the said principle. Even the submissions advanced by Mr. Chidambaram and Mr. Narayan regarding intervening developments namely, the alleged termination of the agreement and its subsequent withdrawal, are matters which can appropriately and effectively be examined by the Tribunal.

⁶ Order dated 24.01.2024 in WPC 11790/2023

⁷ Order dated 13.08.2025 in WPC 11695/2025

⁸ Order dated 09.12.2025 in WPC 18623/2025

⁹ Order dated 23.12.2025 in WPC 19512/2025

¹⁰ Order dated 05.01.2026 in LPA 2/2026

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7. Since the respondents have been directed not to take any action for appropriation of the bank guarantee *vide* order dated 18.11.2024, it is, therefore, appropriate to direct that till the stay application of the petitioner is decided by the Tribunal, the same shall remain in force.

8. The petition, along with pending application(s), if any, in the aforementioned terms.

9. If the stay application is decided against the petitioner, the decision shall remain in abeyance for a period of fifteen days to enable the petitioner to approach the jurisdictional High Court.

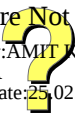
PURUSHAINDRA KUMAR KAURAV, J

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