
(2003) 04 JH CK 0081

In the Jharkhand High Court

Case No : First Appeal No. 226 of 1989 (R)

Bera Colliery Company Pvt. Ltd.

APPELLANT

Vs

Bharat Coking Coal Ltd. and Others

RESPONDENT

Date of Decision : 30-04-2003

Acts Referred:

Coal Mines Nationalization Law (Amendment) Act, 1986 — Section 19

Citation : (2003) 2 JCR 628

Hon'ble Judges : P.K. Balasubramanyan, C.J.;Ramesh Kumar Merathia, J

Bench : Division Bench

Advocate : N.K. Prasad, R.S. Mazumdar and P. Chatterjee, for the Appellant;
Sheela Prasad, Addl. Central Government Standing Council, for the Respondent

Final Decision : Dismissed

Judgement

P.K. Balasubramanyan, C.J.—The suit filed by the plaintiff, the petittoner in CWJC No. 2091/9HR), the owner of Bera Colliery, taken over under the Coal Mines Nationalization Act was dismissed by the trial Court on the ground that the suit was barred by Section 19 of the Coal Mines Nationalization Laws (amendment) Act (Act 57 of 1986). It is not disputed that the suit is hit by Section 19 of Act 57 of 1986. It was in that context that the plaintiff, the appellant of 1986. We have, by our judgment in CWJC No. 2091/91(R) heard along with this appeal, rejected the challenge for the reasons stated by us in our separate judgment rendered today in that writ petition. In other words, we have upheld the validity of the provision or, rather we have held that the constitutional validity of the provisions stands upheld by the Supreme Court in Bhubaneshwar Singh and Bimla Devi Poddar and Others Vs. Union of India (UOI) and Others, .

2. Since we have upheld the validity of Section 19(b) of Act 57 of 1986, nothing more remains to be decided by this Court in this Appeal. An account has been prepared by the defendant-Company in terms of Section 19 of the Coal Mines Nationalization Act. The said account is binding on the owner. The compensation payable to the owner has also been quantified in the Schedule to the Coal Mines

Nationalization Act. That compensation includes the value of the stock of coal extracted and available in the premises of the mine as on the day of the takeover of the management. The account prepared by the defendant-Company in that behalf cannot be questioned by the plaintiff in view of Section 19 of Act 5 of 1986 and a suit in that behalf is barred. Hence, the trial Court was fully justified in dismissing the suit as not maintainable. We confirm the judgment and decree of the trial Court and dismiss this appeal. We make no order as to costs.

Ramesh Kumar Merathia, J.

3. I agree.