

(2012) 06 JH CK 0059
In the Jharkhand High Court
Case No : L.P.A. No. 444 of 2011

Brahmi Impex Limited

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 19-06-2012

Acts Referred:

Citation : (2012) 4 JCR 583

Hon'ble Judges : Prakash Tatia, J; Jaya Roy, J

Bench : Division Bench

Advocate : P.K. Prasad, for the Appellant; Pandey Neeraj Rai, for the Respondent

Judgement

1. Heard learned counsel for the parties. It appears from the facts of the case the petitioner preferred this writ petition in the year 2007 and at the time when coal blocks were not allotted to the contesting respondent/private party. During the pendency of the writ petition, the recommendation in favour of the petitioner for allotment of two coal blocks or may be one coal block consisting of two areas namely Hutar-Hurilong was made. The petitioner then challenged the recommendation of the State Government for allotment of the above blocks of Hutar-Hurilong by moving Interlocutory Application. During the pendency of the writ petition, the recommendation was revised by the State Government and petitioner submitted yet another Interlocutory Application to challenge the revised order of recommendation. Then, during the pendency of the writ petition, the revised recommendation in favour of the respondent/contesting private party was accepted by the Central Government and according to learned counsel for the respondent/private party, the coal block Hutar-Hurilong has been allotted to the respondent.

2. The petitioner's contention originally was that his case was not considered by the State Government and the State's contention in reply, obviously in writing, was that petitioner's case was not considered because he tried to pressurize clerks and officers of the Department of the Government in a matter where the petitioner was aspirant for the allotment of some iron ore mine.

3. The learned Single Judge held that the writ petitioner was not eligible because of the reason that he had no existing industrial unit of steel and he is only prospective industrialist for the steel plant, therefore, petitioner was not eligible and, therefore, cannot question the allotment of coal block to the respondent. Even after holding as mentioned above, the learned Single Judge also held that respondent/private party was eligible for allotment of the coal block.

4. Learned counsel for the petitioner submitted that the respondent did not apply for the allotment of Hutar-Hurilong coal block and even then it has been allotted whereas learned counsel for the respondent submits that two blocks were in fact either one block or clubbed by the State Government as Hutar-Hurilong for which the respondent was eligible candidate and his case considered and recommended to Central Government for allotment of the coal blocks.

5. After going through the records and even after assistance of the learned counsel for the parties we could not find out that whether the Hutar-Hurilong were two separate and independent coal blocks and it is also not clear from the entire bulky record that whether the coal blocks were notified by name requiring separate applications for each coal blocks from the applicants for consideration by the State Government or whether the coal blocks could have been combined or could have been allotted as one block as may be in this case as subsequently it has been mentioned as Hutar-Hurilong whereas in the application of the writ petitioner there is mention of six blocks separately.

6. In view of the above, the State Government is directed to submit affidavit stating therein the names of the coal blocks which were made available for allotment under this process issued by notice of the Government of India, Ministry of Coal (Annexure-2) in pursuance of which the petitioner and the respondent/private party submitted their applications and" also to disclose that how these applications were required to be submitted for allotment of the blocks and whether the blocks have been clubbed or could have been clubbed and all relevant matters relating to the complete procedure of making application for allotment of coal blocks and consideration of their applications and whether the claim of the petitioner was ever considered at competent level. If any order of rejection of the petitioner's application was passed holding him not eligible, that order may also be placed on record.

7. The petitioner/respondent will be free to file any document in response to the affidavit and documents which may be filed by the State Government.

8. Put up on 15th July, as prayed by the Counsel for the State. A copy of this order be given to the learned counsel for the respondent-State.