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**(2002) 05 JH CK 0007**

**In the Jharkhand High Court**

**Case No :** Writ Petition (C) No's. 2701 and 2703 of 2002

Faridabad Industries etc.

APPELLANT

Vs

BCCL and Others

RESPONDENT

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**Date of Decision :** 01-05-2002

**Acts Referred:**

**Citation :** (2002) 05 JH CK 0007

**Hon'ble Judges :** S.J. Mukhopadhaya, J

**Bench :** Single Bench

**Advocate :** Ajit Kumar, for the Appellant; S.N. Pathak, for the Respondent

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## **Judgement**

S.J. Mukhopadhaya, J.—Both the petitioners having challenged common wireless message dated 4th February, 2002 they were heard together and are being disposed of by this common order.

2. By impugned wireless message dated 4th February, 2002 the Sales Manager (R.S.) informed all Areas Sales Manager of a decision and a direction received from the Director of Industries, Haryana communicated by Joint Director (I.S.), vide memo dated 24th January, 2002 whereby it has been ordered to suspend supply of coal coke to different units, including petitioners with immediate effect.

3. According to petitioners the Director of Industries, Haryana has no Jurisdiction to issue any direction in respect to supply of coal. The counsel for the petitioner placed reliance on this Court's decision in Maa Chhinmastika Coke Industries Pvt. Limited v. State of Bihar, reported in 2001 (1) JLJR 80 : 2001 (1) JCR 63 (Jhr).

4. The counsel for the parties brought to the notice of the Court the subsequent decisions communicated by the Director of Industries vide letter No. 4162-A & 4163-A, both dated 20th March, 2002 wherein giving reference of some order passed by the Punjab & Haryana High Court it has been intimated that the Government has no authority to monitor the supply of coal to the petitioner's unit and superseded the earlier decision communicated vide letters dated 4th

February, 2002 & Ist February, 2002.

5. In the aforesaid background, the earlier intimation given by Director, Industries, Haryana vide letter dated 24th January, 2002 & 1st February, 2002 having superseded, the officials of M/s. BCCL, Dhanbad are directed not to given effect to the wireless message dated 4th February, 2002 so far it relates to the petitioners.

6. The respondents will supply the coal to petitioners as per linkage/coal order, at the present rate, subject to availability of coal but it will be open to them to examine the working status of petitioner"s unit.

7. The decision in respect to supply of coal be taken on an early date preferably within three weeks from the date of deposit of the requisite amount and documents, if and required.

8. Both the writ petitioners stand disposed of with the observations and directions.