
(2026) 06 OHC CK 0226
In the Orissa High Court
Case No : Writ Appeal No. 14566 Of 2025

Kunal Kishore Das

APPELLANT

Vs

State Of Odisha & Others

RESPONDENT

Date of Decision : 05-06-2026

Acts Referred:

Minerals Concession Rules, 2016 — Section Rule 12(10)

Mines And Minerals (Development And Regulation) Act, 1957 — Section 21(5)

Citation : (2026) 06 OHC CK 0226

Hon'ble Judges : Mruganka Sekhar Sahoo, J;M. S. Raman, J

Bench : Division Bench

Advocate : P.K.Rath, S.Rath, D.Mohanty, P.K.Parhi, D.Gochhayat

Judgement

1. The matter is taken up in virtual mode.

2. Heard Mr. P.K.Rath, learned Senior Advocate along with Mr. S.Rath, learned counsel for the petitioner, Mr. D.Mohanty, learned AGA for Opposite Party Nos.1 to 3 and Mr. P.K.Parhi, learned Sr. Advocate, DSGI along with Mr. D.Gochhayat, learned CGC for Opposite Party No.4.

3. The learned Senior Advocate refers to the order passed by the coordinate Bench dated 24.03.2026, wherein the petitioner's prayer to serve copy was allowed and copies of I.A. No.19463 of 2025 and W.P.(C) No.14566 of 2025 were directed to be served on the State and the learned counsel appearing for the Union.

4. It is submitted by the learned AGA that he has not received any copy of the I.A.

Learned CGC also submits that he has not received copy of the I.A.

Copies of the I.As. shall be served on the learned AGA and the learned CGC.

5. Learned Senior Advocate submits that for the time being petitioner wants to argue the matter on merits in view of the urgency.

Learned Sr. Advocate refers to the demand notice dated 13.12.2017 issued by the Deputy Director of Mines, Joda Circle demanding Rs.17,66,660/- to be paid as "revised compensation" (Annexure-1). Thereafter, after pronouncement of judgment dated 2nd August, 2017 by the Hon'ble Supreme Court in Writ Petition (C) No.114 of 2014, Common Cause Vrs. Union of India & others; (2017) 9 SCC 499, directing compensation under Section 21(5) of the MMDR Act, to be paid by different lessees, notice dated 20.09.2018 was issued by the Government of Odisha, Steel & Mines Department under the captioned subject "disposal of notice under Rule 12(10) of MC Rules, 2016 issued to the petitioner.

6. By the said notice issued on 20.09.2018, the amount of Rs.2,72,79,111.43 (Rupees two crore seventy two lakh seventy nine thousand one hundred eleven and paise forty three) with interest @ 14% per annum was demanded and the notice was challenged in Revision before the Revisional Authority, Government of India in Revision Application No.22/(95)/2018/RC-I, Revision Application No.22/(96)/2018/RC-I by Final Order Nos.21/2022 & 22/2022 dated 11.03.2022 (Annexure-3).

The Revisions were dismissed however noting the contention of the Revisionist-present petitioner that they shall pay the entire dues as demanded.

7. Thereafter, the petitioner challenged the order passed by the Revisional Authority by filing W.P.(C) No.11407 of 2022, which was disposed of by a coordinate Bench, in which one of us (Justice M.S.Raman) was a Member without interfering with the order passed by the Revisional Authority. Paragraphs-8 & 9 of the said order of coordinate Bench are re-produced herein:

"8. In view of candid admission of the petitioner in the above noted paragraph that he will make payment of Rs.2,72,79,111.43 assessed towards the undisposed stock along with interest calculated at the rate of 14 per cent per annum in terms of the notice dated 05.04.2018, on or before the date of 28th day of March 2022, it is incumbent upon the petitioner to comply with the same in letter and spirit. The same having not been complied with, the Revisional Authority, vide order dated 11.03.2022 dismissed R.A. No.22/(95) & (96)/2018-RC-I. Therefore, this Court does not find any error in the order dated 11.03.2022 passed by the Revisional Authority in R.A. No.22/(95) & (96)/2018-RC-I.

9. Thereby, this Court directs the petitioner to deposit Rs.2,72,79,111.43, as per his affidavit of undertaking, within a period of fifteen days, failing which it will carry interest @ 18% for the demand raised for delay in payment."

Thereafter, the order of the coordinate Bench was challenged by filing SLP(C) Diary No.14009 of 2024, which was dismissed as withdrawn by order dated 03.05.2024.

8. Pursuant to the liberty granted by the Hon'ble Supreme Court as sought for by the petitioner, he approached the High Court again in W.P.(C) No.19332 of 2024, which was disposed of by another coordinate Bench with the following

observations:

"3. After some argument, learned counsel for the petitioner wants to withdraw this writ petition to approach the appropriate forum.

4. This writ petition stands disposed of as withdrawn.

5. The petitioner shall at liberty to raise his contention before appropriate forum if the same is legally available to him."

9. Thereafter, the petitioner has approached the Revisional Authority again by Revision Application dated 17.12.2024, which was returned by the Revisional Authority, Government of India, Ministry of Mines by Office Letter dated 27.01.2025. The letter dated 27.01.2025 has been challenged in the present writ application, which is pending adjudication.

10. The learned Senior Advocate refers to the letter dated 22.03.2024 (Annexure-7 to the writ application) issued by the Director of Mines and Geology to the Additional Chief Secretary, Department of Steel & Mines, Government of Odisha, which indicates thus :

"...Due to non-payment of such compensation demand amounts, the State Govt. have determined the aforesaid mining lease vide Govt. Proceedings No.7508/SM dt.20.09.2018.

Now the lessee, Kunal Kishore Das, Power of Attorney & legal heirs of late M.R.Das has fully paid the compensation demand amounts along with the applicable interest thereon in respect of the mine as detailed below.

A. Compensation demand towards production beyond EC/FC limit.

The lessee has fully paid the compensation demand amount including the applicable interest towards production beyond EC/FC limit against the demand amount of Rs.17,66,660/- on different dates w.e.f. 06.01.2018 to 29.09.2023 through e-challans. The copies of the said e-challans are enclosed herewith for reference.

B. Compensation demand towards undisposed stock of minerals lying in the mines. The lessee has fully paid the compensation demand amount including the applicable interest of Rs.4,85,58,782/- towards undisposed stock of minerals lying in the mines against the demand amount of Rs.2,72,79,111/- through e-challans on different dates w.e.f. 21.06.2019 to 21.02.2024, the copies of said e-challans are enclosed herewith for reference.

As such, presently no compensation demand amount is due against the lessee in respect of the said mine.

After fully payment of the compensation demand in respect of the mine, the lessee has now requested to this Directorate vide his letter No.MRD/08/2024 dt.21.02.2024 (copy enclosed) to withdraw the lapsing proceedings/determination proceedings for obtaining of requisite statutes in respect of the

mine & also requested to intimate the payment status to the Collector, Keonjhar i.e. Certificate Officer to drop the certificate case No.42/2018, initiated against him in respect of the mine.

This is for your kind information & necessary action." (sic)

11. The learned Senior Advocate submits that apart from non-payment of the amount demanded under Section 21(5) of the MMDR Act, there was no other default on the part of the petitioner that would result in lapsing of the lease or any other proceeding against the petitioner for determination of the lease. It is submitted that the petitioner having complied with in full the demand along with interest, as directed and the matter having been litigated till date, though at the instance of the petitioner still the petitioner is entitled for continuance of the lease that was granted in his favour.

12. Issue notice along with this order.

13. Learned AGA upon advance copy served appears and waives notice. He shall obtain instruction and file counter by 10th July, 2026 upon serving copy thereof on the learned counsel for the petitioner. The petitioner shall have the liberty to file rejoinder within a period of two weeks.

14. The matter shall be listed for orders in the week commencing 27th July, 2026 before the assigned Bench.

I.A.No.10127 of 2026

15. Heard the learned Senior Advocate for the petitioner. He reiterates his submissions as noted above.

16. Learned AGA opposes the prayer for any interim order to be passed at this stage.

17. Having heard learned Senior Advocate for the petitioner and learned AGA, in the interim, it is directed that status quo as on date regarding mining lease over 11.537 hectares of Deojhar Iron Ore Mines in Keonjhar District shall be maintained till the next date of hearing.

Issue urgent certified copy as per rules.

The parties shall have the liberty to act upon the copy of this order obtained from the official website of this Court.