

(2013) 07 JH CK 0016
In the Jharkhand High Court
Case No : W.P.C. No. 1886 of 2013

M/s. Jai Hanuman Coal Suppliers	Vs	APPELLANT
M/s. Bharat Coking Coal Limited and Others		RESPONDENT

Date of Decision : 12-07-2013

Acts Referred:

Citation : (2013) 3 AJR 710

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : Vijay Gopal, for the Appellant; Ananda Sen and Mr. Amit Kr. Verma, for the Respondent

Final Decision : Disposed Off

Judgement

Aparesh Kumar Singh, J.—Heard counsel for the parties. The petitioner prays for direction upon the respondents to issue sale order for lifting old waste slurry from his lease hold raiyati lands in near mouza Budidih Bursera, Dugda coal washery on the basis of notified price and terms and conditions fixed by the respondent-BCCL by accepting his offer.

2. Learned counsel for the petitioner has relied upon the judgment in the case of M/s. Shri Durga Slurry & Briquette Industries through its proprietor, Bharat Kumar Soni and M/s. Bharat Coking Coal Ltd. through its Chirman/Managing Director, Dhanbad & Ors. in W.P.(C) No. 944 of 2003 passed on 21.08.2008, Annexure-4 to the writ petition, to submit that the respondents may be directed to consider the offer of the petitioner upon satisfaction of the documents produced by him relating to ownership of the land for sale of waste slurry on the notified price itself in the manner, it has been directed in the other case. Learned counsel for the petitioner submits that he represented before the respondent no. 5, the Project Officer, Dugda Coal Washery, Dhanbad vide Annexure-5 dated 05.11.2012, which, however, has not been responded.

3. Learned counsel for the respondent-BCCL submits that if the petitioner

approaches the concerned authority, he shall consider the same in accordance with law taking into regard the judgment relied upon by the petitioner in other cases.

4. In that view of the matter, this writ petition is disposed of without getting into the merit of the controversies by allowing the petitioner once again to file a fresh representation before the respondent no. 5, the Project Officer, Dugda Coal Washery, Dhanbad together with all supporting facts and documents in support of his claim for lifting the waste slurry over the lease land in question, claimed by him, within a period of three weeks. In case such representation is made before the respondent no. 5, the Project Officer, Dugda Coal Washery, Dhanbad shall consider the same in accordance with law, policy of the BCCL as also notified price fixed for lifting of such Waste Slurry and pass a speaking and reasoned order within a period of eight weeks thereafter, which shall be communicated to the petitioner. Accordingly, this writ petition stands disposed of in the aforesaid terms.