
(2002) 06 JH CK 0003
In the Jharkhand High Court
Case No : CWJC No. 3574 of 2000

Nath Gul Udyog

APPELLANT

Vs

Bharat Coking Coal Ltd. and Others

RESPONDENT

Date of Decision : 24-06-2002

Acts Referred:

Citation : (2002) 06 JH CK 0003

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

Bench : Single Bench

Advocate : Ajit Kumar and Dhananjay Kumar, for the Appellant; A.K. Mehta and S.P. Sinha, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—The petitioner has challenged the wireless message dated 6.6.2000, whereby and whereunder, the respondents officials of M/s. BCCL suspended the dispatch of the sale order/delivery order of coal in favour of petitioner unit in the light of letter dated 30.5.2000 issued by the Officer-in-Charge Chirkunda PS, Dhanbad.

2. The counsel for the petitioner submitted that the coal authority cannot suspend supply of coal merely on the report/instruction given by the Officer in Charge, Chirkunda PS.

3. He placed reliance on the Court's decision in Maa Chhinnamastika Coke Ind. Pvt. Ltd. v. State of Bihar & Ors., reported in 2001 (1) JLJR 80. In the said case, the Court held that after deletion of Coal Control order w.e.f. 29th April, 1992, there being no regulatory provision in respect to coal, neither the consumer nor the dealer can be subjected to any regulatory provision, industrial units are entitled, as a matter of right, to purchase acquired coal to the extent it is required for their consumption as per their own assessment. No State authority has jurisdiction to ask the coal companies to suspend supply of coal to one or other party.

4. The counsel for the respondents accepted that in view of letter dated

30.5.2000 issued by the Officer-in-Charge, Chirkunda PS, supply of coal was suspended. Mr. Mehta, counsel for M/s. BCCL submitted that in terms with the interim order, the coal supply has been resumed.

5. The counsel appearing on behalf of the Officer in Charge, Chirkunda PS, submitted that as the petitioner's unit is not functioning and defunct, has recommended to suspend the coal.

6. In the facts and circumstances and in view of the decision in Maa Chinnamas-tika Coke Ind. Pvt. Ltd., (supra), the wireless message dated 6th June, 2000 is set aside so far as it relates to the petitioner.

7. However, it will be open to the authorities of M/s. BCCL to enquire as to whether the petitioner's unit is operational and actually consuming the coal or not as per linkage and to take appropriate action as per law.

8. The writ petition stands disposed of.