

(2021) 10 OHC CK 0029
In the Orissa High Court
Case No : CONTC No.3650 Of 2021

Sarda Mines Private Limited And Another	APPELLANT
Vs	
Mr. Salil Kumar Behera, Joint Director Of Mines, Joda, Dist.- Keonjhar And Others	RESPONDENT

Date of Decision : 08-10-2021

Acts Referred:

Citation : (2021) 10 OHC CK 0029

Hon'ble Judges : Dr. S. Muralidhar, CJ;B.P. Routray, J

Bench : Division Bench

Judgement

1. Ms. Kirti Mishra, learned counsel, who appears for the State of Odisha in the Supreme Court, informs the Court that the Special Leave Petition (Civil) No.9042 of 2021 of the State against the order of this Court was filed way back in July, 2021 itself and despite best efforts it has not been able to be listed till date.

2. On the other hand, Mr. Gopal Jain, learned Senior Advocate appearing for the Petitioners, points out that three adjournments have already been granted to the Opposite Parties on the ground that the SLP is pending. He places reliance on the judgments of the Supreme Court in Madan Kumar Singh v. District Magistrate, Sultanpur, (2009) 9 SCC 79, Collector of Customs v. Krishna Sales (P) Ltd. 1994 Supp.(3) SCC 73 and H. Phunindre Singh v. K.K. Sethi, (1998) 8 SCC 640 and submits that the mere pendency of the SLP in the Supreme Court without there being a stay of the order passed by this Court, would not by itself operate as a 'deemed stay' and that this Court's order must be given effect to in letter and spirit. He points out that the Petitioners are suffering huge losses on account of the Opposite Parties not implementing the specific direction issued by this Court permitting the Petitioners to remove the iron ore stock already mined.

3. In the above circumstances, the Court is constrained to now direct that if on or before 1st November, 2021 the directions issued by this Court in para 15 of the order dated 7th June, 2021 are not complied with, then the Opposite Parties-Contemnors shall remain personally present before this Court on the next date.

4. List on 1st November, 2021.

5. An urgent certified copy of this order be issued as per rules...

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