

**Serial No. 01**  
**Regular List**

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

MC(WA). No. 10 of 2020 with  
MC(WA). No. 11 of 2020  
MC(WA). No.12 of 2020

Date of Order :06.05.2020

State of Meghalaya & Ors. Vs. Shri. Pukash N.Sangma & Ors.  
State of Meghalaya & Ors. Vs. Shri. Georgeman S. Marak & Ors.  
State of Meghalaya & Ors. Vs. Shri. Jia N. Sangma & Ors.

**Coram:**

**Hon'ble Mr. Justice Ranjit Vasantrao More, Judge**  
**Hon'ble Mr. Justice W.Diengdoh, Judge**

**Appearance:**

For the Petitioner/Appellant(s) : Mr. A.Kumar, AG with  
Ms. S.G.Momin, Addl. Sr. GA.  
For the Respondent(s) : Dr. N.Mozika, Sr. Adv. for R 1.  
Mr. K.Paul, Adv. for R 2.

**Per W.Diengdoh, Judge**

1. This is an application filed by the State respondents with a prayer for clarification of order dated 23-03-2020 passed by this Court insofar as it relates to the directions given therein. Similar applications have also been filed for which is it deemed fit and proper to pass a common order.

2. We have heard Mr. A.Kumar, learned AG alongwith Ms. S.G.Momin, Addl. Sr. GA for the applicant and also Mr. N.Mozika, learned Sr. counsel for respondent No. 1 and Mr. K.Paul, learned counsel for respondent No. 2.

3. Learned AG has submitted that vide the impugned judgment dated 18-03-2020 passed in WP(C). No. 10/2020, WP(C). No. 41/2020, WP(C). No. 54/2020 and WP(C). No. 60/2020, the learned Single Judge had disposed of the matter inter-alia with specific direction for re-auction of the coal present in the depots/site and also for the coal already lifted and in transit, not to be allowed for further transportation until the differential amount is tendered by the concerned parties.

4. Mr. A.Kumar, learned AG has also submitted that the matter being taken up on appeal, this Court, vide order dated 23-03-2020 has accepted the undertaking given by the State respondent on the proposal of the appellant therein. Learned AG has further submitted that the order of this Court is clear to the extent that coal already lifted and loaded in the trucks is permitted to be transported as per the condition laid down by this Court and to that extent the order of the learned Single Judge is required to be modified.

5. Dr. N.Mozika, learned Sr. counsel has submitted that as appellant in this present writ appeal, the appellant has complied with the direction given inasmuch as Bank Guarantee has already been deposited.

6. Mr. K.Paul, learned counsel for respondent No.2 has also submitted that he has no objection to the coal laden trucks in question to be allowed to transport the same on the condition being fulfilled as directed.

7. We have given our careful consideration to the submission made and we are of the opinion that the order dated 23-03-2020 passed in the related appeal be modified as follows:

(i) The common judgment and order of the learned Single Judge dated 18-03-2020 passed in WP(C). No. 10/2020, WP(C). No. 41/2020, WP(C). No. 54/2020 and WP(C). No. 60/2020, at paragraph 9 (iii)(b) is hereby stayed.

(ii) That the said trucks loaded with coal which are now stationary are allowed to transport the coal subject to the following conditions:

(a) That the differential amount in the event of re-auction will be paid by the parties concerned.

(b) That the Bank Guarantee of Rs. 50,00,000/- is to be deposited in case the same is not done.

(iii) That the government is permitted to re-auction the coal in pursuant to the learned Single Judge's order as and when convenient but at the earliest possible time subject to lockdown condition.

8. The State respondent is hereby directed to permit the transport of the said coal with immediate effect.

9. This order is passed in the interim subject to final disposal of the appeal.

10. Accordingly, Misc. applications stands disposed of.

11. This matter having been taken up via video conferencing, the signed copy of the order is placed on record.

**(W.Diengdoh)**  
**Judge**

**(R.V.More)**  
**Judge**

Meghalaya  
06.05.2020  
"Samantha PS"

