IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No.4927 of 2012

Shivam Industries having its unit situated at Kusumdaha (Bagula), P.O. Nag Nagar, P.S. Saraidhela, District- Dhanbad, Jharkhand through its proprietor Rahul Kumar Gupta son of Sri Akhileshwar Nath Gupta, Resident of House No. 13/D Cooperative Colony, P.O. & P.S. BCCL Township, District- Dhanbad, Jharkhand

… … Petitioner

Versus

1. State of Jharkhand
2. Secretary, Department of Industries, Govt. of Jharkhand, Ranchi
3. Deputy Commissioner, Collectorate Building, Dhanbad.
4. Jharkhand State Mineral Development Corporation Ltd (A Govt. of Jharkhand undertaking), Khanij Nigam Bhawan, Nepal House, Doranda, Ranchi through its Managing Director.
5. The Managing Director, Jharkhand State Mineral Development Corporation Ltd (A Govt. of Jharkhand undertaking), Khanij Nigam Bhawan, Nepal House, Doranda, Ranchi.
6. The Incharge, Coal Trading, Jharkhand State Mineral Development Corporation Ltd. (A Govt. of Jharkhand undertaking), Khanij Nigam Bhawan, Nepal House, Doranda, Ranchi
7. The Ministry of Coal, Govt. of India, Shastri Bhawan, New Delhi through its Secretary **… … Respondents**

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Petitioner : Mr. Ankur Anand, Advocate
For the Resp.-UOI : Mr. Laxman Kumar, Advocate
For the Resp.- State : Mr. Gaurang Jajodia, Advocate
Mr. Saurav Mahto, Advocate

06/**31.01.2023** Learned counsel for the parties are present.

2. This writ petition has been filed for the following reliefs:

"(i) For issuance of a writ in nature of certiorari for quashing the letter no. 2418 dated 10.12.2010 (Annexure-10) issued under the signature of Respondent No. 6 on behalf of the respondent no. 4 and 5, whereby and whereunder the said respondent in a most illegal and arbitrary manner and in utter violation cardinal principles of natural justice and in violation of the New Coal Distribution Policy and their own notice informed the petitioner that the coal to the petitioner's unit can not be supplied in view of the decision of the State Level Committee dated 26.10.2010 which has decided that the petitioner on account of being a coal crushing/screening/briquette can not be supplied coal.

AND

(ii) That the petitioner prays for issuance of appropriate direction upon the respondent authorities to forthwith start supply the allotted quantity of coal in view of the New Coal Distribution Policy dated 18.10.2007 issued by the Ministry of Coal, Govt. of India and in view of the recommendation made by the respondent no. 3, apart from considering the fact that the respondent no. 4 has been releasing coal to several similarly situated coal crushing/screening/briquette plants but in the case of the petitioner the said respondent by adopting a discriminatory attitude rejected the petitioner's claim without assigning any reason.

AND

(iii) The petitioner further prays for issuance of appropriate direction upon the respondent authorities showing them cause as to how and under what circumstances, such discriminatory decision has been taken in violation in the Provision of the New Coal Distribution Policy and further how and under what circumstances, the coal is being supplied to similarly situated coal crushing/screening/briquette plants."

3. Learned counsel for the petitioner, under the instructions of his senior Mr. Mahesh Tewari, Advocate, submits that the present case has become infructuous on account of subsequent developments. Accordingly, he does not want to press this writ petition.

4. This writ petition is dismissed as not pressed.

5. Pending interlocutory application, if any, is closed.

6. Interim order, if any, stands vacated.

(Anubha Rawat Choudhary, J.)

Pankaj