

M/S Batalik Logistics Pvt Ltd vs Coal India Ltd And Ors on 29 March, 2023

Author: Prathiba M. Singh

Bench: Prathiba M. Singh

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(C) 3994/2023 and CM APPL. 15533/2023, 15534/2023, 15535/2023

M/S BATALIK LOGISTICS PVT LTD P
Through: Mr. R. Balasubramanian, S
Advocate with Mr. Santosh
Pandey, Advocate (M- 9871

versus

COAL INDIA LTD AND ORS R
Through: Dr. Harsh Pathak, Mrs. Sh
Mahajan & Mr. Mohit Choub
Advocates for R-1 & 2 (M-
8510003041)

CORAM:
JUSTICE PRATHIBA M. SINGH
ORDER

% 29.03.2023

1. This hearing has been done through hybrid mode. CM APPL. 15535/2023 & CM APPL. 15533/2023 (for exemption)
2. Allowed, subject to all just exceptions. Applications are disposed of. W.P.(C) 3994/2023 and CM APPL. 15534/2023
3. The present petition has been filed seeking quashing of the impugned letters dated 26th June 2020 and 30th June 2020 issued by Respondent No.1

- Coal India Limited and letter dated 15th January 2023 issued by Respondent No 2 - Mahanadi Coalfields Ltd.
4. The case of the Petitioner is that it was engaged in the Coal Loading and Transportation Scheme which was awarded to it vide MoU dated 12th December 2013.
5. Reliance is placed upon the orders passed in similar matters including in W.P.(C) 3503/2021 titled Maheshanand Logistics Private Limited v.

Coal India Limited & Ors. dated 17th March 2021. The said order reads as under:

"1. The present petition raises similar issues as have been raised in W.P.(C) 5236/2020 titled IB Logistics Private Limited v. Coal India Limited & Ors. and W.P. (C) 5470/2020 titled LN Logistics Private Limited v. Coal India Limited & Ors. The said matters are stated to be listed on 23rd April, 2021. The issue in respect of the Petitioner's Memorandum of Understanding is currently under consideration and has been captured in the order of this Court dated 21st September, 2020 passed by the ld. Single Judge. The relevant portion of the said order reads as under:

"8. Having considered the submissions made by the learned senior counsels appearing for the parties and keeping in view Clause 8 of the MOU, which provides that the tenure of the ESM company and the contract can be extended by another term of four years by a joint consideration of the concerned Coal Subsidiary and the DGR, it is directed that the respondent no.1 shall consider the claim of the petitioners in the above two mentioned petitions for extension of their contract, in terms of the MOU, while remaining uninfluenced by the impugned orders passed by the respondent no.1. Such consideration shall be without prejudice to the rights and contentions of the respondent no.1 in the present petitions. In this process of consideration, the two petitioners mentioned above shall also be afforded an opportunity of hearing. The decision of such consideration shall be placed before this Court on or before the next date of hearing.

9. Till such time, the parties shall maintain status quo with respect to the contracts of the two petitioners mentioned hereinabove."

2. Paragraphs 8 and 9 extracted above shall be applicable mutatis mutandis in the case of the Petitioner as well. The Petitioner's claim for renewal shall be considered after affording a hearing. Parties shall also maintain status quo in respect of the contract of the Petitioner as well, till the next date of hearing.

3. List on 23rd April, 2021, along with the said matters."

6. There is also a connected batch of writ petitions, the lead matter of which is W.P.(C) 4384/2020 titled Col. Laxmi Narayan (Retd.) & Ors. v. Coal India Limited & Ors. The said batch is listed on 19th July, 2023.

7. Issue notice.

8. Mr. Mohit Choubey, ld. Counsel accepts notice on behalf of Respondent Nos. 1 and 2.

9. Mr. Kirtiman Singh, ld. CGSC accepts notice on behalf of Respondent Nos. 4 and 5. Ld. CGSC shall also seek instructions from the Union of India, the Ministry of Coal.

10. In view of the orders passed in connected matters, status quo shall be maintained with respect to the contract of the petitioners.

11. Let reply be filed within six weeks. Rejoinder be filed within a period of four weeks, thereafter.

12. List on 19th July, 2023.

PRATHIBA M. SINGH, J.

MARCH 29, 2023 Rahul/kt