

IN THE HIGH COURT OF JHARKHAND AT RANCHI

C.W.J.C. No. 2550 of 1999 (P)

Eastern Coalfields Limited, having its registered office at Sanctoria, P.O.- Disargarh, District- Bardwan (West Bengal), through Shri Malay Kumar Ganguli, Acting Chief General Manager of Raj Mahal Area of Eastern Coalfields Limited

... .. Petitioner

Versus

1. The State of Bihar
2. The Certificate Officer (Mines), Dumka
3. The Assistant Mining Officer, Godda
4. The District Mining Officer, Godda
5. S.B.I., through the Branch Manager, Rajmahal Coal Mines Project, Urja Nagar, District- Godda

.... ... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Mr. Anoop Kumar Mehta, Advocate

For the State : Mr. Harsh Preet Singh, A.C. to G.P.-V

Order No. 17**Dated: 19.09.2025**

The present writ petition has been filed for quashing the notice as contained in memo no. 808 dated 19.09.1998 (Annexure-2 to the writ petition) issued by the Certificate Officer (Mines), Dumka (the respondent no. 2) to the petitioner in Certificate Case No. 01 of 1998-99 whereby it was directed either to pay the aforesaid certificate amount or to file objection within 30 days from the date of receipt of the said notice, failing which the certificate proceeding was to be initiated against it. Further prayer has been made for quashing the order dated 26.02.1999 (Annexure-1 to the writ petition) passed by the respondent no. 2 in Certificate Case No. 01 of 1998-99 whereby after rejecting the petitioner's objection filed under Section 9 of the Bihar and Orissa Public Demands Recovery Act, 1914 (in short, "the Act, 1914"), direction was given to it to pay the royalty amount of Rs.10,94,30,674/- with suitable interest.

2. Reference may be made to the order dated 01.02.2019 which reads as under:

"It has been submitted by the learned counsel for the petitioner based on the supplementary affidavit filed by the petitioner on 30.1.2019 that Civil Appeal Nos. 5908, 5909 and 5910 of 2004 with C.A. No. 2535 of 2006 have already been disposed of on 10.12.2014 by the Hon'ble Supreme Court and the matter was remanded back to this Court for an appropriate decision on the contentions canvassed by the State of Jharkhand.

It has further been submitted that L.P.A. No. 77 of 2005 along with CWJC Nos, 8295, 8331 and 8336 of 1999 are pending before the Division Bench of this Court.

In such view of the matter, let this case be listed after disposal of L.P.A. No. 77 of 2005 with its analogous cases."

3. Mr. A.K. Mehta, learned counsel for the petitioner, produces a copy of order dated 23.07.2025 passed by learned Division Bench of this Court in a batch of cases led by L.P.A. No. 255 of 2001 (M/s. Central Coalfields Limited Vs. The State of Jharkhand & Ors.) whereby the appellant/petitioner of L.P.A. No. 77 of 2005 was given liberty to file objection under Section 9 of Act, 1914 before the concerned Certificate Officer for its consideration in accordance with law with further direction to the Certificate Officer to conclude the certificate proceeding(s) within three months from the date of receipt/production of a copy of the said order. It is submitted that issue raised in the present writ petition being squarely covered by the order dated 23.07.2025 passed in L.P.A. No. 255 of 2001 and other analogous cases, it may also be disposed of in terms with the said order.

4. For the sake of convenience, the operative part of the said order is quoted as under:

"15. Further, it appears from the order dated 03.04.2007 passed in Civil Appeal No.2535 of 2006 which has been referred by the learned counsel for the petitioner whereby

an ad-interim stay has been granted, for ready reference the said order is being quoted hereunder as:

ORDER

"Until further orders no coercive steps shall be taken in respect of the impugned demand."

16. It further appears from the record that vide order dated 10.12.2014 passed in Civil appeal No.5908 of 2004 some of the cases have been remanded by the Hon'ble Apex Court to be listed before this Court for appropriate decision.

17. At this juncture, the learned counsel appearing for both the parties have submitted that since the disputed question of facts are involved herein and the disputed factual aspect of the matter is to be determined and, as such, it would be just and proper to relegate the matter before the concerned original authority, i.e., the Certificate Officer so that the factual aspect may be appreciated and the appropriate order may be passed.

18. After having heard the learned counsel for the parties and going through the judgment passed by the Hon'ble Apex Court, wherein, the matter has already been remanded before this Court for passing the appropriate order, but as has been submitted and concession given by the learned counsel appearing for the parties that the factual aspect is to be determined and, as such, the better would be to relegate the matter before the original authority.

19. In view of aforesaid concession given by the learned counsel appearing for the parties, these matters are being relegated before the Certificate Officer for adjudication of the issue afresh on the basis of the objection already filed under section 9 of the PDR Act.

20. It appears from the record that in L.P.A No. 77 of 2005 the certificate proceeding has been initiated but objection under section 9 of PDR Act has not been filed. It further appears that the said appeal has been filed against the order dated 20.12.2004 passed in W.P(C) NO.6571 of 2004 wherein the learned Single Judge while dismissing the said writ petition has directed the petitioner/appellant to avail remedy under the PDR Act.

21. This Court is in agreement with the finding of the learned Single Judge and, as such, the appellant/petitioner in L.P.A No.77 of 2005 is at liberty to file objection under section 9 of the PDR Act for its consideration in accordance

with law.

22. Further, it appears from the record that in W.P(C) No.1031 of 2023 demand has been raised by the District Mining officer but no certificate proceeding has been initiated and, as such, the petitioner in this case is hereby directed to file fresh representation before appropriate authority/Forum for redressal of its grievance.

23. In view of the above, it is hereby directed that the proceeding be concluded within the period of three months from the date of receipt/production of copy of the order which shall be decided in accordance with law without being prejudiced by the order passed by this Court.

24. With the aforesaid observation and direction, these matters are disposed of.

25. Pending I.As, if any, stand disposed of.”

5. Learned counsel appearing on behalf of the respondent-State submits that he has no objection if the present writ petition is disposed of in the light of the order dated 23.07.2025 passed by learned Division Bench of this Court in L.P.A. No. 255 of 2001 and other analogous cases.

6. Considering the said submission, the present writ petition is disposed of in terms with the aforesaid order.

7. Since, the petitioner had already filed objection under Section 9 of the Act, 2014 and the same was rejected by the respondent no. 2 vide impugned order dated 26.02.1999, the matter is relegated before the respondent no. 2 for adjudication of the issue afresh. The said respondent shall proceed to hear the matter and dispose of the same in accordance with law within three months from the date of receipt/production of a copy of this order.

8. Pending interlocutory applications are accordingly closed.

(Rajesh Shankar, J.)

September 19, 2025
Ritesh/