

5. This Court has further referred in paragraph-4 that with respect to the issue of permission as required to be there under Section 49 of the CNT Act, which admittedly has not been granted by the competent authority, i.e., the Deputy Commissioner, as per the provisions made under Section 49 of the CNT Act, but even in absence of such permission, the mining operation has been carried out.

6. At that juncture, Mr. Indrajit Sinha, learned counsel appearing for the respondent-BCCL, has submitted that this Court may not go on the said issue, rather, better would be that the parties will sit and resolve the issue on the point of amount of compensation.

7. This Court considering the submission made on behalf of the respondent-BCCL, by Mr. Indrajit Sinha, learned counsel representing the BCCL, has adjourned the matter to be listed after two weeks, for ready reference, the order dated 16th October, 2025 is being referred herein:-

“1. We have heard the learned counsel for the parties.

2. The appellant/petitioner has invoked the jurisdiction of this Court under Article 226 of the Constitution of India for seeking a direction for payment of amount of compensation in lieu of utilization of land for the purpose of mining operation by virtue of an agreement entered in between the parties.

3. The only question involved is that whether on the basis of an agreement any right will be said to be conferred in favour of a party that too, the nature of

agreement has not got the validity due to non-registration, therefore, it cannot also be construed to be the leave within the meaning of section 105 of the Transfer of Property Act, 1882.

4. Even accepting that there is no permission under section 49 of the CNT Act, then also it will go against the respondent-BCCL also as to how without any permission as required to be there under section 49 of the CNT Act, the mining operation has been carried out.

5. However, Mr. Indrajit Sinha, the learned counsel appearing for the respondent-BCCL has submitted that this Court may not go on the said issue, rather, better would be that the parties will sit and resolve the issue on the point of amount of compensation.

6. This Court, considering the aforesaid fact, is adjourning the matter to be listed after two weeks.

7. Let this matter be posted on 18.11.2025.

8. Since the parties have expressed for settling the issue, as such, this Court at this stage is not going into the issue of limitation.”

8. The matter, thereafter, has been listed today.

9. Learned counsel appearing for the appellant has submitted that although the appellant was called to sit but a meagre amount of Rs.5 lakhs has been offered against the utilization of land to the extent of 2.59 acres.

10. It has been contended that the value of the land per decimal, as per the offer made by the BCCL, would be in between Rs.2000 to Rs.2500/-.

11. This Court, after appreciating the argument advanced on behalf of the appellant, is of the view that the

BCCL, after utilizing the land that too based upon the agreement, an unregistered document, cannot bargain like this.

12. The BCCL was having with the recourse available before utilizing the land by taking recourse of either the provision of Coal Bearing Act, 1957 or the Land Acquisition Act, 1894 but, in no stretch of imagination, the land can be utilized merely on the basis of an agreement that too an unregistered document.

13. Perhaps, for that reason Mr. Indrajit Sinha, learned counsel has come out with the suggestion that the party will sit and resolve the issue on the point of compensation. But, the offer so made by the BCCL, cannot be said to be proportionate to the land utilized and the mining operation carried out fairly for a long period.

14. Mr. Arpan Mishra, learned counsel appearing on behalf of BCCL, however, has sought for last indulgence to again deliberate on the issue and come forth.

15. We are adjourning the matter for two weeks by way of last indulgence making it clear that if the issue will not be resolved by making offer of requisite amount of compensation, the Chairman-cum-Managing Director, BCCL will have to appear in person to explain under what authority the land has been utilized on the basis of only an

unregistered document without taking recourse of the acquisition mechanism.

16. As prayed for, list this matter on 02.12.2025.

(Sujit Narayan Prasad, J.)

(Arun Kumar Rai, J.)

18th November, 2025

Birendra/