

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P (C) No.9617 of 2023**

***Vedanta Limited through its  
General Counsel (Aluminium &  
Power), Kalahandi***

.....

***Petitioner***

*Mr. Dhruv Mehta, Sr. Advocate  
along with Mr. P.K. Nayak, Advocate*

Vs.

***Odisha Mining Corporation  
Ltd. & Anr.***

.....

***Opposite Parties***

*Mr. A.K. Parija, Sr. Advocate along  
with Mr. P.K. Muduli, Advocate  
(O.P.1)*

*Mr. P.P. Mohanty, AGA  
(O.P.2)*

*Mr. P.K. Parhi, DSGI  
(O.P.3)*

**CORAM:**

**DR. JUSTICE B.R. SARANGI  
MR. JUSTICE M.S. RAMAN**

**ORDER  
29.03.2023**

**W.P.(C) No.9617 of 2023**

**Order No.**

1

This matter is taken up through hybrid mode.

2. Heard Mr. D. Meheta, learned Senior Counsel appearing along with Mr. P.K. Nayak, learned counsel for the petitioner; Mr. A.K. Parija, learned Senior Counsel appearing along with Mr. P.K. Muduli, learned counsel for opposite party no.1; Mr. P.P. Mohanty, learned Additional Government Advocate appearing for opposite party no.2 and Mr. S.S. Kashyap, learned Central Government Counsel appearing along with Mr. P.K.

Parhi, learned Deputy Solicitor General of India appearing for opposite party no.3.

3. The petitioner has filed this writ petition challenging the validity of the provisions contained in Rule-45(1) of MCR 2016 alleging the same is violative of Section 13 of the MMDR Act, 1957.

4. Issue notice to the opposite parties.

5. Let an extra copy of the writ petition be served within three days on Mr. P.K. Muduli, learned counsel, as he appears for opposite party no.1 to enable him to obtain instructions or file counter affidavit.

6. Since Mr. P.P. Mohanty, learned Additional government Advocate appears on behalf of opposite party no.2, let an extra copy of the writ petition be served on him within three days to enable him to obtain instructions or file counter affidavit.

7. Let an extra copy of the writ petition be served within three days on Mr. S.S. Kashyap, learned Central Government Counsel, as he appears for opposite party no.3 to enable him to obtain instructions or file counter affidavit.

8. Issue urgent certified copy as per rules.

**(DR. B.R. SARANGI)**  
**JUDGE**

**(M.S. RAMAN)**  
**JUDGE**

**Cont.....**

**I.A. No.4417 of 2023**

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This application has been filed by the petitioner for grant of interim protection.

2. Mr. D. Mehta, learned Senior Counsel appearing for the petitioner contended that earlier the petitioner had approached this Court by filing W.P.(C) No.10280 of 2021, which was disposed of vide order dated 25.01.2023 directing the authority to consider the grievance of the petitioner, but the same was rejected. It is further contended that in the said writ petition, this Court, vide interim order dated 06.04.2022 passed in I.A. No.2662 of 2021 permitted the petitioner to lift the agreed quantity of Bauxite for the remaining period of the financial year 2022-23 subject to payment of Rs.1000/- per MT which price will be exclusive of royalty, DMF & NMET, GST, weighment and sampling analysis charges, which will be charged extra, upon the petitioner furnishing an undertaking, similar to Annexure-A-1 to I.A. No.5392 of 2021, for the differential amount, with the floor price arrived at by the OMC under Rule 45 of the Minerals (Other than Atomic and Hydro Carbon Energy Minerals) Concession Rules, 2016 as amended subject to the final outcome of the writ petition. Therefore, it is contended that since the agreement is valid till 19<sup>th</sup> April 2023, this may continue till that period.

3. In view of interim order dated 06.04.2022 passed in I.A. No.2662 of 2021 arising out of W.P.(C) No. 10280 of 2021, as an interim measure, this Court permits the petitioner to lift the

agreed quantity of Bauxite for the remaining period of the financial year 2022-23 subject to payment of Rs.1000/- per MT which price will be exclusive of royalty, DMF & NMET, GST, weighment and sampling analysis charges, which will be charged extra, upon the petitioner furnishing an undertaking, for the differential amount, with the floor price arrived at by the OMC under Rule 45 of the Minerals (Other than Atomic and Hydro Carbon Energy Minerals) Concession Rules, 2016, as amended, subject to the final outcome of the writ petition. It is made clear that the agreement, which is valid till 19<sup>th</sup> April 2023, shall continue till that period subject to extension granted by the Government on the application of the petitioner.

4. Issue urgent certified copy as per rules.

