



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No. 28232 of 2021

M/s. JSW Steels Ltd.

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Petitioner

Represented by –

Mr. Mukul Rohtagi, Sr. Advocate
Mr. Asok Mohanty, Sr. Advocate
Mr. Chinmoy Sharma, Sr. Advocate
Mr. Mahesh Aggarwal, Advocate
Mr. Satya Smruti Mohanty, Advocate
Ms. Vidisha Swarup, Advocate,
Ms. Siddhi Gupta, Advocate,
Mr. Gyanee Nayak, Advocate &
Mr. Goutam Rai, Advocate.

-Versus-

State of Odisha and Others

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Opp. Parties

Represented by –

Mr. Subha Bikash Panda, AGA
& Mr. Debaraj Mohanty, AGA
(For O.Ps.1, 2 & 3)

Mr. P.K. Parhi, DSGI
along with Mr. Biswajit Maharana,
Senior Panel Counsel
(for O.Ps. 4 & 5 – Union of India)

CORAM:

**HON'BLE MR. JUSTICE MANASH RANJAN PATHAK
AND
HON'BLE MR. JUSTICE MRUGANKA SEKHAR SAHOO**

ORDER

07.01.2026

(Hybrid Mode)

Order No.07



07. I.A. No. 23079 of 2025

1. This I.A. has been filed by the petitioners in the pending writ application with the following prayer –

“In the circumstances, it is most graciously prayed for that this Hon’ble Court may be pleased to direct the Opposite Parties to issue/grant the MDCC of the Petitioner and renew its Trading License and be further pleased to observe that the Impugned Demand shall not come in the way of the Opposite Party authorities processing the Petitioner’s application for grant of MDCC and renewal of its Trading License;

And any other order as it may deem just and proper in the facts and circumstances of the case and in the interests of justice.”

2. The issue revolves around two interim orders passed earlier by Coordinate Benches, i.e. orders dated 20.09.2021 and dated 27.09.2021 in the pending writ application with I.A. No.13014 of 2021. In the order dated 20.09.2021 at para-6, the Coordinate Bench observed thus –

“Regard being had to the facts and submissions, it is suggested by this Court that, as an interim measure, the petitioners shall deposit Rs.35 crores without prejudice to his claims and contentions in the writ petition. Instruction regarding such deposit be taken in the meantime by Mr. Tripathy.”

3. Thereafter, additional affidavit on behalf of the petitioners was filed on 24.09.2021, which was taken note of in the order dated 27.09.2021. For convenience and ready reference, the relevant portion of the order dated 27.09.2021 is reproduced herein –



“2. Perused the additional affidavit.

3. Heard Mr. Satya Smruti Mohanty, learned counsel appearing for the petitioners.

4. It is submitted by the learned counsel for the petitioners that the requisite amount of approximately Rs.38 crores has already been deposited in favour of the State of Odisha. Since the order dated 20.09.2021 is complied with, the notice impugned dated 06.09.2021 shall be kept in abeyance till disposal of the writ application.

5. However, it is submitted that the petitioners have not submitted a separate challan deposit of approximately Rs.38 crores, rather it is deposited through the Integrated Mines and Minerals Management System (“i3MS”). The State of Odisha may examine the same and if the submission made is found to be erroneous, then appropriate application for modification may be filed.

6. It is further directed that such deposit shall be without prejudice to the claim and contention of the petitioners in the main case and in case the petitioners succeed at the time of final disposal of the writ application, the amount should be returned to it within a reasonable time along with simple interest of 5% per annum.

7. The I.A. is accordingly disposed of.”

4. It is submitted by Mr. Mukul Rohtagi, learned Senior Advocate appearing for the petitioner that despite the order dated 27.09.2021 being very clear and the Coordinate Bench has observed by the order dated 20.09.2021 the petitioner to make deposit of Rs.35 crores as a pre-condition for the interim order to continue, i.e. *“no coercive action shall be taken against the petitioners”*; the authorities without any reference to the order and without any material basis have concluded no deposit was



made by the petitioner. It is submitted that approximately Rs.38 crores was deposited, as recorded by the order of the Coordinate Bench dated 27.09.2021, however the authorities have alleged that the condition has not been complied with.

5. Learned Senior Counsel for the petitioner takes us to the affidavit dated 24.09.2021, particularly the averments made therein at paragraphs 5 to 8, which form the basis of the Coordinate Bench to observe that the deposit has been made. It is further submitted that there is no further material on record apart from the observation of the Director of Mines, Odisha (Opp. Party No.2) referring to the report/statement of the Deputy Director of Mines, Joda that the amount has not been deposited, as indicated in the Letter dated 19.12.2025 issued by Opposite Party No.2 – Director of Mines, Odisha (Annexure-47).

6. It is submitted by the Senior Advocate Mr. Rohtagi that during pendency of the writ petition and after the conditions directed by the Coordinate Bench by order dated 20.09.2021, was complied with deposit of Rs.38 crores was made and thereafter there has been continuous and uninterrupted grant of Mining Dues Clearance Certificate (MDCC). The petitioner goes on paying all the statutory dues, taxes, amounts as mandated by law based on its transactions in minerals. It is further submitted that, since there is no change of circumstances, the said interim order continues and the authorities in compliance should continue to issue MDCC in favour of the petitioner.

7. Having heard Mr. Rohtagi, learned Senior Counsel as well as Mr. S.B. Panda and Mr. Debaraj Mohanty, learned Addl. Govt. Advocates, in view of the above, based on the available materials on record as well as



the affidavit which was considered by the Coordinate Bench, while passing the order dated 27.09.2021, we reiterate the order passed by the Coordinate Bench that no coercive action shall be taken against the petitioner with regard to the subject demand referred to in the order dated 19.12.2025 (Annexure-47), which in turn refers to the earlier demand under Annexure-28, i.e. Letter of the Joint Director, Mines, Joda dated 06.09.2021 and Annexure-29, i.e. Letter dated 07.09.2021 issued by the Joint Director, Mines, Joda. The earlier orders dated 20.09.2021 and 27.09.2021 were passed by Co-ordinate Benches referring to the orders as at Annexures 28 & 29.

8. Mr. Panda, learned Addl. Govt. Advocate submits that an I.A. on behalf of the Opp. Parties-State has been E-filed today in Court, which may be registered. It is stated that, copy of the I.A. has been served on the learned instructing counsel for the petitioner in course of the hearing of the matter today.

Learned Senior Counsel for the petitioner seeks leave to file the response to the said I.A.

The I.A. upon being registered, shall be kept on record. Scanned copy of the brief be updated.

9. It is submitted by Mr. Rohtagi, learned Senior Advocate appearing for the petitioner that issuance of MDCC to the petitioner is pending since August, 2025. Issuance of MDCC was never interrupted since passing of interim orders dated 20.09.2021 and 27.09.2021 and every year it has been consistently issued.

We reiterate the orders passed by the Coordinate Benches dated 20.09.2021 and 27.09.2021 and observe that the authorities shall continue



to issue MDCC till the next date of hearing of the matter as already fixed to 05th February, 2026, as directed by the order dated 28.11.2025.

10. Accordingly, we direct that, MDCC if not yet issued, shall be issued in favour of the petitioner for the second half of the year 2025-26 within ten days from today.

11. As directed earlier vide order dated 28.11.2025, the matter shall be listed for hearing on 05th February, 2026 marked at 2.00 PM.

(Manash Ranjan Pathak)
Judge

(Mruganka Sekhar Sahoo)
Judge

S.K. Parida