



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 33138 of 2023

M/s. Narbheram Power and Steel Private Limited, Kolkata ***Petitioner***

Mr. Prafulla Kumar Rath, Senior Advocate
assisted by Mr. Tarun Patnaik, Advocate
-versus-

State of Odisha and others ***Opposite Parties***

Mr. Saswat Das, Additional Government Advocate

CORAM:
HON'BLE THE CHIEF JUSTICE
AND
HON'BLE MR JUSTICE MURAHARI SRI RAMAN

Order No.

ORDER
07.04.2026

I.A. No.5900 of 2026

03. 1. This is an application seeking amendment of the writ petition necessitated for complete and effective adjudication of the disputes involved in the instant writ petition.
2. It is averred that though the challenge to a demand was made by taking recourse to a revisional provision contained in Section-30 of the Mines and Minerals (Development and Regulation) Act, 1957 (in short, "the Act"), but inadvertently, the order passed by the Revisional Authority was not specifically and/or



expressly challenged in the instant writ petition despite the requisite documents being annexed to the instant writ petition.

3. After perusal of the instant application, we find that once the recourse is taken in accordance with the provisions contained in the Act and the challenge is made to such demand, the intervening order which came into existence needs to be expressly and specifically challenged by the writ petitioner. In absence of such challenge, it may invite an anomalous situation and may at times, would eclipse the main reliefs and/or a complete justice to be imparted to the litigant. Order-6 Rule-17 of the Code of Civil Procedure, 1908 permits any party to the proceedings to apply for an amendment of the pleading, provided the same is necessary for a complete and effective adjudication of the dispute. It not only ensures the adjudication of the disputes touching upon the claim in its entirety, but also secures the avoidance of multiplicity of proceedings.

4. The amendment, which neither changes the nature and character of the main case nor takes away the admission already made therein, should be readily allowed in order to effectuate the complete justice to the litigant. Though the order passed by the



Revisional Authority forms an integral part of the writ petition but the necessary pleadings impinging upon the validity and legality of the said order and the grounds on which the same is sought to be assailed, appears to be missing; even the reliefs have not been claimed therein.

5. Such being the *bona fide* mistake and the entire nature of the dispute shall not alter the cause of action accrued to the petitioner, we do not find any impediment in allowing the said application for amendment.

6. The application for amendment is, thus, allowed.

7. The petitioner is directed to file the consolidated writ petition within a week from date.

I.A. No.5901 of 2026

1. This is an application seeking addition of a party in the instant writ petition.

2. Since this Court has allowed the application for amendment, we find that the party sought to be added is a necessary and proper party in relation to the disputes involved in the instant writ petition.



3. Accordingly, the said application is allowed.
4. The authority sought to be impleaded as a party in the instant writ petition shall be arraigned as an opposite party *in seriatim*. The consolidated writ petition, which has been directed to be filed within a week from date, shall also include the newly added party in the cause title.
5. The petitioner is further directed to serve a copy of the consolidated writ petition upon the learned Deputy Solicitor General of India (DSGI) immediately after filing of the same.

W.P.(C) No.33138 of 2023

1. List this matter on 21st April, 2026.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge

S. Behera