

Sri Asit Kumar Dutta and anr. Vs. Eastern Coalfields Ltd.

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Court : Kolkata

Decided On : Nov-03-2014

Judge : Debangsu Basak

Appellant : Sri Asit Kumar Dutta and anr.

Respondent : Eastern Coalfields Ltd.

Judgement :

ORDER

SHEET GA2992of 2014 With CC240of 2001 IN THE HIGH COURT AT CALCUTTA Special Civil Jurisdiction ORIGINAL SIDE Sr.ASIT KUMAR DUTTA & ANR.

Versus EASTERN COALFIELDS LTD.BEFORE: The Hon'ble JUSTICE DEBANGSU BASAK Date : 3rd November, 2014.

Ms.Ajaya Mitra, Adv.Mr.Kamal Krishna Chakraborty, Adv..for the petitioneRs.Mr.Tilak Bose, Adv.Mr.Arindam Mukherjee, Adv.Mr.Partha Basu, Adv.Mr.N.K.Roy, Adv..for the respondent.

The Court:-The contempt application and the amendment to the contempt application are pending adjudication.

During the pendency of the both the applications, it is submitted on behalf of the Eastern Coalfields Limited that, they are ready to issue delivery order for 11,200 M.T.of G-6 grade coal to the petitioner no.1 at the rate of the prevailing price of coal as on the date of lifting of coal.

The parties are at issue as to the period of payment for taking delivery of such coal and the period for delivery of such coal.

The petitioners before me contend that, they must have one year time to take delivery of the coal.

They are ready to pay the rate prevailing as on the date of delivery.

It is submitted on behalf of the Eastern Coalfields Limited that, the petitioners were ready to deposit the money within seven days as would appear from their communication dated April 23, 2001.

I have considered the rival contentions.

Coal is a scarce resource.

Since, the petitioners had offered to deposit the entire sum within seven days as will appear from their letter dated April 23, 2001, in my view, interest of justice will be subserved by directing the Eastern Coalfields Limited to issue delivery order for 11,200 M.T.of G-6 grade coal to the petitioner no.1 on the same terms of payment and delivery as of its communication dated February 1, 2001.

The parties invite the Court to keep the applications pending to ensure compliance.

In such circumstances, both the applications will appear in the monthly list of December, 2014.

(DEBANGSU BASAK, J.) dg2

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