02.11.2026
Ct. No. 3
Sl. No. 01
Subadip

WPA 31427 of 2026

Shree Satya Mines Private Limited
VS
Union of India & Anr.

Mr. K. Thakur,
Mr. Satadru Chakraborty,
Mr. Ramendu Agarwal.
…for the petitioner

1. Affidavit-of-service filed today be kept on record.

2. Despite service, none appears for the respondents.

3. The petitioner has challenged the show cause notice dated 25th September, 2026, issued by the Secretary, Ministry of Coal, Government of India. The facts set forth in the said writ petition are as follows:

4. A Coal Mine Development and Production Agreement dated March 29, 2023 was executed between the nominated authority and the petitioner in respect of “Burakhap Small Patch” coal mine. The petitioner submitted a performance bank guarantee dated 22nd July, 2030 for an amount of Rs. 10,87,79,469/-, in favour of the President of India through the Nominated Authority, which had an expiry date of 22nd July, 2030.

5. It appears from the said show cause notice dated 25th September, 2026 that the genuineness of the said performance bank guarantee was taken up by the respondent no.1 in consultation with the concerned banking authorities and it was subsequently found that no such bank guarantee had been issued by the said bank and that the said performance bank guarantee was not available in the records of the concerned bank.

6. The respondent no.1, by the said show cause notice dated 25th September, 2026, directed the petitioner to furnish an explanation regarding the submission of a non-genuine performance bank guarantee. The petitioner in reply to the said show cause notice dated 25th September, 2026, submitted a reply dated 21st October, 2026.

7. It has been informed that till date no decision in connection with the said show cause notice has been taken by the respondents.

8. It is well settled that a show cause notice can be challenged mainly on three grounds: first, if the show cause notice is issued without jurisdiction, second, if it is issued in violation of a statutory provision, or third, if the show cause notice is issued with a mala fide intention.

9. It appears from the grounds taken in the instant writ petition that none of the aforesaid conditions is satisfied in this case. An issue as to

whether the petitioner had submitted a non-genuine performance bank guarantee is a disputed question of fact which cannot be adjudicated in a writ proceeding. Moreover, the issues involved in this writ petition do not fall within the realm of public law but within the realm of private law.

10. In view of the aforesaid, the writ petition is liable to be dismissed and accordingly the same stands dismissed.

11. No order as to costs.

(Arjun Ray Mukherjee, J.)