



ORISSA HIGH COURT : CUTTACK

W.P.(C) No.23792 of 2025
CNR No.ODHC01-060318-2025

In the matter of an Application under
Articles 226 and 227 of the Constitution of India, 1950

* * *

- 1.** M/s. JSW Steels Ltd.,
A company incorporated under
the provisions of the Companies
Act, 2013 having its registered
Office, At: Bandra Kurla Complex.
Bandra (East), Mumbai-400051,
Represented through its
Authorized signatory Shri
Mrutyunjaya Mahapatra,
Aged about 50 years.
- 2.** Mr. Mrutyunjaya Mahapatra,
Son of Shri Janmejaya Mahapatra,
Aged about 50 years,
Presently residing at
Plot No.570/70, Main Road,
Punama Gate, Bhubaneswar,
Odisha,
Working as the General Manager (Legal)
of the petitioner No.1-Company. ... Petitioners

-VERSUS-

- 1.** State of Odisha,
Represented through the
Principal Secretary,
Department of Steel and Mines,
Secretariat Building, Bhubaneswar,



Odisha-750674.

2. Director of Mines & Geology,
Directorate of Mines and Geology,
Department of Steel and Mines,
Secretariat Building, Bhubaneswar
State of Odisha-750674.
3. Deputy Director of Mines,
Joda Circle, Joda,
At/PO: Baneikala, District: Keonjhar
Odisha-758038.
4. Union of India,
Represented through the Secretary,
Ministry of Mines, Shastri Bhawan,
New Delhi-110001.
5. Indian Bureau of Mines,
Represented through the
Controller General, 2nd Floor,
Indira Bhawan, Civil Lines,
Nagpur – 440001. ... Opposite parties.

Counsel appeared for the parties:

- For the Petitioners : Mr. Gopal Jain, Senior Advocate
Assisted by
M/s. Mahesh Agarwal, Vidisha
Swarup, Siddhi Gupta and
Venugopal Mahapatra,
Advocates
- For the Opposite party
Nos.1 to 3 : Mr. Satyabrata Mohanty and
Mr. Debaraj Mohanty,
Additional Government Advocates
- For the Opposite Party
No.4 : Mr. Prasanna Kumar Parhi,



Deputy Solicitor General of India
Mr. Satya Sindhu Kashyap,
Senior Panel Counsel

P R E S E N T:

**HONOURABLE
DR. JUSTICE SANJEEB K PANIGRAHI**

AND

**HONOURABLE
MR. JUSTICE MURAHARI SRI RAMAN**

Date of Hearing : 12.10.2026 :: Date of Order : 16.10.2026

ORDER

Challenging the Impugned show-cause notice bearing No.2902/Mines dated 21st August, 2025 *vide* Annexure-25 issued by the Deputy Director of Mines, Joda Circle, Joda, the petitioner-company has filed this writ petition under the provisions of Article 226 of the Constitution of India beseeching grant of following relief(s):

“In the circumstances, it is most graciously prayed for that this Hon’ble Court may be pleased to admit the writ application and be pleased to issue:

- (a) Quash/set aside Demand Notice bearing Letter No.2902/Mines dated 21.08.2025 issued by the Deputy Director of Mines, Joda Circle, Joda vide Annexure-25;*
- (b) An appropriate writ, order and declaration to the effect that Rule 12A of the Minerals (Other than Atomic and Hydrocarbon Energy Minerals) Concession Rules, 2016, particularly Rule 12-A(2), is*



ultra vires the MMDR Act, 1957 and the Constitution of India, 1950.

(c) *Any other order as it may deem just and proper in the facts and circumstances of the case and in the interest of justice.*

And for this act of kindness, the petitioners shall as in duty bound ever pray.”

- 2.** The arguments advanced by the learned counsel for both sides are broadly based on challenge as to constitutional validity and *vires* of sub-rules (1) and (2) of Rule 12A of the Minerals (Other than Atomic and Hydrocarbon Energy Minerals) Concessions Rules, 2016 (for short, “the MC Rules”).
- 3.** The demand raised for the first year of lease has been subject matter of challenge in WP(C) No.28232 of 2021, which came to be disposed of today (16th October, 2026) in terms of *M/s. Tata Steel Limited, Mumbai and another Vs. State of Odisha and others* in WP(C) No.31035 of 2025 (reported at 2026 ILR-CUT ONLINE 2099).
- 4.** It is submitted by the learned Senior Advocate referring to paragraph-7 of the written note of submissions filed on behalf of the petitioner that the instant matter is governed by the decision of this Court *vide* judgment dated 20th April, 2026 rendered in *Tata Steel Limited (supra)*. It is submitted that the impugned demand relates to fifth lease year and is, therefore, governed by Rule 12A(2) and not by Rule 12A(1) as held at paragraph



182 of *Tata Steel Limited (supra)*. The requirement of dispatch under the proviso to Rule 12A(2) is directory and not mandatory, and no penal consequence is provided for its breach. It is contended that no demand can, therefore, be raised for an alleged shortfall in dispatch.

4.1. The petitioners assert that they have met the dispatch requirement as follows:

<i>Particulars</i>	<i>Quantity (MT)</i>
<i>Despatched required for the 5th year, as per the Impugned Demand</i>	<i>77,94,400.00</i>
<i>Pro-rata requirement for 27.06.2024 to 30.11.2024 (mining permitted under FMCP)</i>	<i>33,53,004.00</i>
<i>Actual despatch from 27.06.2024 to 30.11.2024</i>	<i>33,57,573.35</i>
<i>Excess over pro-rata requirement</i>	<i>4,569.35</i>
<i>Production and despatch permitted from 01.12.2024 to 26.06.2025 (closure under FMCP)</i>	<i>Nil</i>

4.2. In view of legal position set forth in *Tata Steel Limited (supra)*, the mining plan/FMCP being a statutory requirement operates throughout the currency of lease deed until its closure as per the final mine closure plan and in case of any inconsistency between the mining plan and the MDPA, the former shall prevail [see Paragraph 191 of the *Tata Steel Limited (supra)*].



- 4.3. It is urged that the petitioner having ceased mining operations strictly in terms of the approved FMCP, the impugned demand seeking enforcement of dispatch obligation for the closure period runs counter to what is enunciated in *Tata Steel Limited (supra)*, [See, *Paragraphs 189 and 191(8)*].
- 4.4. It is further contended that no personal hearing being afforded to the petitioner, the impugned demand notice in view of law as propounded in *Oryx Fisheries (P) Limited Vs. Union of India*, (2010) 13 SCC 427, the impugned demand is liable to be quashed.
5. It is contended by learned Additional Government Advocates that if this Hon'ble Court be pleased to hold that Rule 12A of the Minerals (Other than Atomic and Hydrocarbon Energy Minerals) Concession Rules, 2016 is valid, then adjudication with respect to facts/disputes of each writ petition can be dealt with by the Central Government in exercise of the revision power under Section 30 of the MMDR Act.
- 5.1. It is further submitted that Section 30 of the Mines and Minerals (Development and Regulation) Act, 1957 (for short, "the MMDR Act") provides that the Central Government may, of its own motion or on an application made within prescribed time by an aggrieved party,



- (a) revise any order made by a State Government or other authority in exercise of the powers conferred on it by or under this Act with respect to any mineral other than minor minerals; or
- (b) where no such order has been made by the State Government or other authority in exercise of the powers conferred on it by or under this Act with respect to any mineral other than a minor mineral within the time prescribed, therefore, pass such order as it may think fit and appropriate in the circumstances.
6. Heard Sri Gopal Jain, learned Senior Advocate appearing for the petitioners and Sri Satyabrata Mohanty and Sri Debaraj Mohanty, learned Additional Government Advocates appearing for the State-opposite party nos.1 to 3 and Sri Prasanna Kumar Parhi, learned Deputy Solicitor General of India along with Sri Satya Sindhu Kashyap, learned Senior Panel Counsel appearing for opposite party no.4.
7. Considered the submissions made by the learned counsel for the parties. It is held that constitutional validity of Rule 12A has already stood closed in *Tata Steel Limited (supra)*. Since the issue raised in the present matter has been decided in the said case, this Court bearing in mind that at the time of issuance of demand notice dated 21st August, 2025 *vide* Annexure-



25, the authority had no occasion to peruse *Tata Steel Limited (supra)*, it is felt apposite to set aside the demand notice dated 21st August, 2025. The matter is remitted to the authority concerned to decide the matter afresh keeping in view the legal position as enunciated in *Tata Steel Limited (supra)* within a period of three months from date by affording reasonable opportunity of hearing to the petitioner-company and take into consideration the documents produced and submissions made before him in accordance with law. It is clarified that this Court has not expressed any view on merit of the demand. The authority concerned is free to take independent decision analysing factual position taking into account the legal position as enunciated in *Tata Steel (supra)*.

8. In the result, the writ petition stands disposed of. Pending Interlocutory Application(s), if any, shall stand disposed of. In the circumstances, there shall be no order as to costs.

(DR. SANJEEB K PANIGRAHI)
JUDGE

(MURAHARI SRI RAMAN)
JUDGE

High Court of Orissa, Cuttack
The 16th October, 2026//Aswini/Laxmikant

Signature Not
Verified
Digitally Signed
Signed by: ASWINI KUMAR
SETHY
Designation: Personal Assistant
(Secretary-in-charge)
Reason: Authentication
Location: ORISSA HIGH
COURT, CUTTACK
Date: 16-Oct-2026 17:17:47