HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE TWENTY THIRD DAY OF JULY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE P.SAM KOSHY

WRIT APPEAL NO: 791 OF 2025

Writ Appeal under clause 15 of the Letters Patent Preferred Against Order Dated 19/06/2025 in WP No 259 of 2025 on the file of the High Court.

Between:

G. Shankar, S/o Buchi Reddy, Aged 54 years, Occ. Business, R/o H.No. 6-2-263/3, Uday Nagar, Godavarikhani, Peddapally District (Erstwhile Karimnagar District).

...APPELLANT

AND

1. The Singareni Collieries Company Limited, Rep by its Chairman and Managing Director, Singareni Bhavan, Khairatabad, Hyderabad
2. The General Manager, F & A Department, Ramagundam Area-1, Singareni Collieries Company Limited Godavarikhani, Peddapally District (Erstwhile Karimnagar District).
3. The Project Officer, Medipalli Opencast, Singareni Collieries Company Limited Godavarikhani, Peddapally District (Erstwhile Karimnagar District).

...RESPONDENTS

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to release an amount of Rs.55.59 lakhs towards transport bill, Rs.10.00 lakhs towards EMD & Security Deposit and Rs.100.69 lakhs 5% retained amount from the running bills of the contract to the petitioner along with interest from the date of closing/expiry of the contract pending disposal of the above writ appeal.

Counsel for the Appellant: Ms. V.UMA DEVI

Counsel for the Respondents: SRI K.SRIDHAR, REP. FOR
SRI P.SRI HARSHA REDDY, SC FOR SCCL

The Court delivered the following: JUDGMENT

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HON'BLE SRI JUSTICE P.SAM KOSHY

WRIT APPEAL No.791 of 2025

JUDGMENT: *(Per the Hon'ble the Chief Justice Sri Aparesh Kumar Singh)*

Ms. V.Uma Devi, learned counsel for the appellant.

Sri K.Sridhar, learned counsel representing Sri P.Sri Harsha Reddy, learned Standing Counsel for Singareni Collieries Company Limited, for the respondents.

2. The petitioner in W.P.No.259 of 2025 is the appellant. He had approached the learned writ court for quashing of the speaking order dated 09.12.2024 passed by respondent No.2 and for a consequential direction to the respondents to release an amount of Rs.55.59 lakhs towards transport bill, Rs.10.00 lakhs towards Earnest Money Deposit and Security Deposit and Rs.100.69 lakhs 5 percent retained amount from the running bills of the contract to him along with interest. The appellant also pleaded that the criminal case instituted by the respondents for alleged shifting of coal to another site other than what was agreed has ended

in acquittal by the judgment dated 31.08.2018 passed by the learned Principal Junior Civil Judge – cum – Judicial Magistrate of First Class, Godavarikhani, in Calender Case No.55 of 2017. The respondents should have, therefore, released the bills which were apparently withheld for this reason only. The learned writ court, however, observed that the main dispute pertains to a serious allegation of breach of contract i.e., diversion of coal loaded lorries to unknown destination other than GDK-1 Coal Handling Plant; calculation of lost/under delivered quantity of coal and its value; and release of outstanding amounts to the appellant. Since, these issues involve disputed questions of fact, they cannot be gone into under Article 226 of the Constitution of India. The civil Court of competent jurisdiction is the appropriate forum and Clause 10(d) of the Work Order dated 02.01.2015 also provides for that.

3. Though the learned counsel for the appellant submits that the learned writ court was perhaps persuaded by the fact that mere acquittal in the criminal case would not entail release of admitted dues, but the dispute revolves

around the allegations of diversion of coal loaded lorries to unknown destination. Since the appellant has been acquitted of those allegations, it could be a valid ground for him to seek release of the admissible dues.

4. Learned counsel for the appellant submits that if the appellant approaches the civil Court of competent jurisdiction in respect of the said claim, the appellant may be allowed to take the ground of acquittal in the criminal case also.

5. We do not see any reason as to why such grounds cannot be taken on the part of the appellant once the appellant has got a judgment of acquittal in respect of those allegations. However, on consideration of the entire gamut of facts and circumstances and in view of the specific clause i.e., Clause 10(d) of the Work Order entered into between the parties, the proper remedy for such a claim for contractual dues lies before the civil Court of competent jurisdiction.

6. Therefore, we do not find any reason to interfere in the impugned order. The appellant is at liberty to approach the civil Court of competent jurisdiction, subject to all legal grounds.

7. The writ appeal is accordingly disposed of. However, there shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

SD/- P.Ch. NAGABHUSHAMBA
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Chairman and Managing Director, Singareni Collieries Company Limited, Singareni Bhavan, Khairatabad, Hyderabad
2. The General Manager, F and A Department, Ramagundam Area-1, Singareni Collieries Company Limited Godavarikhani, Peddapally District (Erstwhile Karimnagar District).
3. The Project Officer, Medipalli Opencast, Singareni Collieries Company Limited Godavarikhani, Peddapally District (Erstwhile Karimnagar District).
4. One CC to Ms. V.UMA DEVI, Advocate [OPUC]
5. One CC to SRI P.SRI HARSHA REDDY, SC FOR SCCL [OPUC]
6. Two CD Copies

BSR
GJP

HIGH COURT

DATED:23/07/2025



JUDGMENT

WA.No.791 of 2025

DISPOSING OF THE WRIT APPEAL,

WITHOUT COSTS

(8) kpl
23/9/25