

Court No. - 3

Case :- WRIT - C No. - 36147 of 2023

Petitioner :- M/S Harihar Minerals Llp And Another

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Ashish Malhotra

Counsel for Respondent :- C.S.C.

Hon'ble Siddhartha Varma,J.

Hon'ble Shekhar B. Saraf,J.

Heard learned counsel for the petitioners and learned Standing Counsel for the State respondents.

The petitioners had been leased to mine over block no. 23/19 situate in Village Bheri Kharka Tehsil Sarila District Hamirpur area measuring 12.145 hectares. The lease was from 07.12.2018 to 06.12.2023. While the mining work was being done, the National Green Tribunal, on 17.12.2018, passed an order staying the operation. However, the Supreme Court, on 13.01.2020, stayed the order of Tribunal dated 17.12.2018. The effect of two orders was in between 01.07.2017 to 13.01.2020 during which the petitioners could not undertake the mining work as per lease. The petitioners have prayed that either they may be permitted to complete the five years for which they had been granted lease or they be refunded the royalty money, which they had already paid. For this purpose the petitioners have filed a representation on 25th February, 2023, which was followed by a reminder dated 02.08.2023.

Learned Standing Counsel, who represents the District Magistrate, Hamipur, states that the representation would be decided by the District Magistrate, Hamipur expeditiously.

Without going into merits of the case, we direct that the representation filed by the petitioners on 25.04.2023, which was followed by reminder dated 02.08.2023, be decided within a period of fifteen days from the date of presentation of a certified copy of this order.

Needless to mention that the Rules as are provided in U.P. Mining Minerals (Concession), Rules would be made applicable while passing the order on the representation of the petitioner.

With the above observations, this writ petition is disposed of.

Order Date :- 30.11.2023

Ashish

(Shekhar B. Saraf,J.) (Siddhartha Varma,J.)