

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15372 of 2011

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1. Bishwajeet Singh S/O Sri Tapeswar Singh R/O Village- Barun, P.O.- And P.S.-
Barun , District- Aurangabad (Bihar)

.... Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Mines and Mineral Development.
Government of Bihar, Patna
2. Mines Commissioner, Government of Bihar, Patna
3. District Magistrate cum Collector, Aurangabad
4. The Assistant District Mining Officer, Aurangabad (Bihar)
5. The Mines Development Officer, Aurangabad (Bihar)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kr Singh No. 6

For the Respondent/s : Mr. D.K.Sinha, Sr. Counsel (Mines)
Mr Rajendra Prasad, Spl. PP (Mines)

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 31-07-2015

A detailed consideration of the claim of the petitioner for refund of various amounts has been made by the Mineral Development officer in terms of the direction of the Court. The various periods of claims have been aptly dealt with and the reasons for rejection of such refunds have been indicated therein. The amount to which the petitioner was entitled to has been indicated in the concluding paragraph of the impugned order. So far as other claims are concerned, having perused the order, the Court comes to a considered opinion that no direction is required to be issued in favour of the petitioner over and above the refund, which has already been

ordered in his favour and for the period indicated therein.

Contention of the counsel for the petitioner that refund should also be ordered for 54 days i.e. from 1.1.2007 to 23.2.2007, is also misplaced because the deposit of money was a precursor to award of tender in his favour. He can take advantage of the tender only after the award of work order. There is no question of illegality in not ordering refund between the period the money was deposited and the work order was awarded especially in absence of any kind of provision in the contract for the tender.

Writ is dismissed.

(Ajay Kumar Tripathi, J)

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