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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.897 OF 2015

Umar Mohammed Harvitkar	...Petitioner
v/s.	
The State of Maharashtra and Anr.	...Respondents

Mr.S.P.Munghate, for the petitioner.

Ms.M.P.Thakur, AGP for the Respondent Nos.1 and 2.

**CORAM: A. S. OKA &
REVATI MOHITE DERE, JJ.**

DATED : 12th AUGUST, 2015.

P.C.

Not on board. Taken on board.

1. The learned AGP has invited our attention to Section 10B of the Mines and Minerals (Development and Regulation) Act, 1957 (for short 'the said Act of 1957'). Section 10B has been brought on the statute book by Act No.10 of 2015. Sub-section (4) of Section 10B provides that for the purpose of granting a mining lease in respect of any notified mineral in such notified area, the State Government shall select, through auction by a method of competitive bidding, including e-auction, an applicant who fulfills the eligibility conditions prescribed by the Act. The learned AGP

states that Bauxite Ore has been notified in the category of notified minerals and therefore, without holding auction, the prayer of the Petitioner cannot be considered.

2. The prayer in this petition under Article 226 of the Constitution of India is for directing the State Government to consider the application of the petitioner for grant of mining lease for mining of Bauxite Ore.

3. In view of the amendment to the said Act of 1957 by incorporating Section 10B, relief claimed in this petition cannot be granted. However, as and when the State Government initiates action in terms of sub-section (4) of Section 10B, the petitioner can always participate in the auction, provided he is otherwise eligible.

4. Subject to what is observed above, the petition is disposed of.

(REVATI MOHITE DERE,J.)

(A.S. OKA,J.)