

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 17472 of 2016

Date of Decision: 27.8.2016

M/s Sri Hans Enterprises, Kurukshetra

....Petitioner.

Versus

State of Haryana and another

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE RAMENDRA JAIN.**

PRESENT: Mr. Sandeep, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. Through the instant petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the Auction Notice dated 8.8.2016 (Annexure P-10) issued by respondent No.2 inviting bids for extraction of minor minerals from the certain area of village Dhanaura Block/YNR B-18, District Yamuna Nagar as for the same area the highest bid of the petitioner was accepted vide letter of intent dated 20.7.2015 (Annexure P-3) and to direct the respondents not to auction the area for extraction of minor minerals as specified in Annexure P-1. Further, a writ of mandamus has been sought directing respondent No.2 to refund the advance contract money deposited by the petitioner along with interest.

2. Respondent No.2 vide notification dated 15.6.2015 (Annexure P-1) invited online bids for extraction of minor minerals from mines of

District Yamuna Nagar through E-Auction. In response thereto, the petitioner submitted its online bid for Dhanaura Block/YNR B-18 for 18.18 h.a., listed at Sr. No.11 of the said notification. The petitioner offered the highest bid of ₹ 9, 42,00,000/- per annum against the reserve price of ₹ 4,40,00,000/- for the mining contract of minor mineral for Dhanaura Block/YNR B-18 and had deposited ₹ 44,00,000/- (i.e. 10% of the reserved price of the bid) vide receipt dated 2.7.2015 (Annexure P-2). Thereafter, the petitioner deposited the remaining amount in toto. Respondent No.2 accepted the bid of the petitioner and issued the letter of intent vide memo dated 20.7.2015 (Annexure P-3). As per the terms and conditions, the petitioner had submitted proposal for environment clearance (Annexure P-4) to the concerned authorities. The Ministry of Environment, Forest and Climate Change, Impact Assessment Division, Government of India vide letter dated 3.11.2015 (Annexure P-5) informed the petitioner that its proposal was accepted by the Member Secretary in the Ministry on 20.8.2015. Respondent No.2 vide letter dated 7.1.2016 (Annexure P-6) asked the petitioner to furnish details of the mineral concession area in GPS location in excel sheet M/s Data for mapping of mining area. Vide letter dated 22.3.2016 (Annexure P-7), respondent No.2 asked the petitioner to supply the requisite paper as mentioned in the letter, Annexure P-6. The petitioner wrote a letter dated 7.4.2016 (Annexure P-8) to the District Forest Officer, Yamuna Nagar to obtain the NOC for mining in the concerned khasra numbers. In pursuance to the letter, Annexure P-7, the petitioner moved a representation dated 12.4.2016 (Annexure P-9) to respondent No.2 for refund of the amount along with interest, but no response has been received till date. Respondent No.2 vide notification dated 8.8.2016

(Annexure P-10) had called for online bids to auction the mining block which had already been auctioned to the petitioner. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent a representation dated 12.4.2016 (Annexure P-9) to respondent No.2, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.2 to take a decision on the representation dated 12.4.2016 (Annexure P-9), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of one month from the date of receipt of certified copy of the order. It is further directed that in case the petitioner is found entitled to the refund of the amount, the same be released to it within next one month, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

August 27, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No