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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6877/2010**

RASHMI CEMENT LTD.& ANR.

..... Petitioners

Through : Mr Nidhesh Gupta, Senior Advocate
with Mr Naveen Kumar and Ms Nishi
Kant Singh, Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through : Mr Vivek Goyal and Ms Varya
Khanna, Advocates for R-1.
Mr Naveen Sharma and Mr
C.D.Singh, Advocates for State of
M.P.
Mr AVI Singh and Mr Jaskaran Sibia,
Advocates for R-3.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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08.12.2016

W.P.(C) 6877/2010 & CM No.41434/2016(direction)

The petitioners impugn order dated 10.09.2010, whereby on a Revision Petition filed by respondent No.3, two prospecting licences granted to the petitioners by orders dated 06.08.2008 and 12.09.2008 were declared to be void *ab initio* and it was directed that mining leases be granted in favour of respondent No.3.

By the present application, respondent No.3 contends that, *inter alia*, on account of adverse changes in the market condition, respondent No.3 is no longer in a position to execute the mining leases and does not wish to pursue any legal proceedings or remedies concerning or pertaining to the

mining leases, that are subject matter of the present petition. It is also stated that respondent No.3 has no objection in case the petition is disposed of in favour of any other party including the petitioners herein.

Learned senior counsel for the petitioners submits that by interim order dated 08.10.2010, status quo was directed to be maintained of the impugned order dated 10.09.2010. It is submitted that consequent to the impugned order passed by this Court, no mining lease was executed in favour of respondent No.3 and the two prospecting licences granted to the petitioners on 06.08.2008 and 12.08.2008, which were for a limited period, ran their course and have now completed their tenure.

Learned senior counsel for the petitioners further contends that since the prospecting licences have run their course and the respondent No.3 is not interested in execution of the mining leases in its favour, the impugned order no longer survives and the State Government is to be directed to proceed with the mining leases in accordance with law.

In view of the fact that respondent No.3 is no longer interested in execution of the mining leases in its favour and the prospecting licences issued to the petitioners have run their course, the directions passed by the impugned order are no longer executable.

Learned counsel appearing for respondent No.2 submits that since the respondent No.3 is no longer interested in execution of the mining leases, the State Government would be dealing with the mines in accordance with law.

In view of the above, the impugned order dated 10.09.2010 is set aside. The respondent No.2 – State Government is directed to proceed with the said subject mines in accordance with law.

The application as well as the Writ Petition is accordingly disposed of in the above terms.

CM No.10237/2012 (additional documents)

In view of the order passed today in CM No.41434/2016 and the disposal of the Writ Petition , no further orders are necessary in this application, the same is also disposed of.

SANJEEV SACHDEVA, J

DECEMBER 08, 2016

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