

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.219 of 2017
Arising out of
Civil Writ Jurisdiction Case No. 56 of 2016**

- =====
1. The State of Bihar
 2. The Principal Secretary, Department of Mines & Minerals, Govt. of Bihar, Patna
 3. The District Magistrate, Sheikhpura, Bihar
 4. The Mining Development Officer, Sheikhpura, Bihar

.... Appellant/s

Versus

M/s Satyam Infra JV through its Partner namely Raj Kumar Singh, S/o Sri Panchdeo Singh, resident of Puranmal Colliery, P.O. Siyarsol Rajwadi, P.S. Raniganj, District - Vardhman (West Bengal)

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Niraj Kumar Sinha, Advocate
For the Respondent/s :

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**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)
Date: 20-03-2017**

Re.:I.A. No. 778 of 2017

The application is for condonation of delay of 28 days in filing the Letters Patent Appeal.

2. For the reasons mentioned in the Interlocutory Application, we are satisfied that the appellants have shown sufficient cause to seek condonation of delay in filing the Letters Patent Appeal.



3. Consequently, the Interlocutory Application is allowed and delay in filing the Letters Patent Appeal is condoned.

Re.: L.P.A. No. 219 of 2017

Seeking exception to an order dated 09.12.2016 passed by the learned Writ Court in C.W.J.C. No. 56 of 2016 this appeal by the State Government under Clause-10 of the Letters Patent.

2. With regard to the quarry in question the respondent writ-petitioner submitted his bid in the second round of auction process that was held. He was the sole bidder and was willing to execute the agreement. However, as the respondent writ-petitioner was the sole bidder for the quarry in question, the department thought of again re-tendering the quarry and called for bids in the third offer floated. In the third offer, no bid was received. The writ-petitioner also did not participate and instead of finalizing the second bid in favour of the petitioner it was thought appropriate by the department to forfeit the security amount. Challenging the same, the writ petition was filed and the learned Writ Court found that once the writ-petitioner was willing to execute the agreement on the basis of the bid offered by him in the second round auction held, the department should have accepted the same and having not accepted the same and having gone for a third round of auction cannot now forfeit the security amount deposited by the writ-petitioner. In doing so, finding



the direction of the State Government to be unreasonable and arbitrary, the learned Writ Court has not committed any error warranting reconsideration.

3. The Letters Patent Appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	23.03.2017
Transmission Date	

