

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.19157 of 2017.

Date of Decision: August 25, 2017

M/s Malik Buildcon Pvt. Ltd.

.....Petitioner

versus

The State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.Vikram Punia, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioner assails the order dated 16.08.2017 (P-38) whereby the Assistant Mining Engineer, Mines and Geology Department, Sonapat has suspended the production and dispatch of minor minerals, namely, the ordinary sand which the petitioner-Company has been extracting in terms of a contract between the petitioner and the State of Haryana through a public auction in which the petitioner was the highest bidder. The extraction/production and dispatch of the minor minerals has been stayed for the reason that the petitioner-Company has failed to deposit huge amount towards contract money, the details whereof are mentioned in the impugned order.

The petitioner's contention is that the notices raising demand for deposit of the contract money are already under challenge at its instance in CWP No.9422 of 2016 which is pending in this Court and since the matter is prejudice, no adverse order ought to have been passed.

We are not impressed by the contention. There is admittedly no interim stay granted by this Court in the above-stated writ petition. The

contract between the parties obligates the petitioner to pay the contract money on or before 7th day of every month. The petitioner has concededly defaulted in payment of full contract money. Clause-1(a), Part-IV of the Agreement read with Rule 56(7)(ii) of the Haryana Minor Minerals Concession Stocking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012 do permit the State authorities to suspend the mining operation in the event of default in payment of contract money.

For the reasons afore-stated, we do not find any ground to interfere with the impugned order.

Dismissed.

[SURYA KANT]
JUDGE

August 25, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No