

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.29039 of 2018
Date of Decision :16.11.2018**

M/s AVJ Infrastructure Private Limited

.....Petitioner

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Girish Agnihotri, Sr. Advocate with
Mr. Bhuwan Vats, Advocate for the petitioner.

KRISHNA MURARI, CHIEF JUSTICE (Oral):

Notice of motion.

Mr. Deepak Balyan, Addl.A.G. Haryana, present in Court,
accepts notice on behalf of the respondents. Copy furnished.

In the nature of order we propose to pass in the matter, no
formal written statement(s)/counter affidavit(s), on behalf of the
respondents, is indeed necessary, at this stage. Thus, with the consent of
learned counsel for the parties the petition is being disposed of finally.

A writ in the nature of mandamus is prayed for directing the
respondents to award interest upon a sum of Rs.6,15,50,000/- i.e. 10% of
the highest bid amount deposited by the petitioner at the time of auction for
granting mining contract of Yamunanagar Unit-I, @ 9% per annum, with
effect from the date of deposit i.e. 24.12.2013, till the date of refund i.e.
10.07.2018.

The facts that are required to be notice are limited.

Vide order dated 10.01.2017, the Director Mines and Geology, Haryana had revoked the LOI dated 3.1.2014, vide which the mining contract was awarded in favour of the petitioner company, and an amount of security equal to 10% of the annual bid i.e. Rs.6,15,50,000/- was ordered to be forfeited. Aggrieved by the said order the petitioner preferred an appeal under Rule 109(2) of Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012, which has since been allowed by the Appellate Authority, vide order dated 6.4.2018, for, it concluded that the contract awarded to the petitioner was void or was impossible to be performed.

Learned Senior counsel for the petitioner submits that since pursuant to the order dated 6.4.2018, the amount i.e. Rs.6,15,50,000/- forfeited by the respondents-authorities has since been refunded/adjusted, but the petitioner company not being at fault and having been deprived of the usage of the said amount all this while, is also entitled to the interest thereupon. It is urged that prior to the filing of this petition, the petitioner had even served the respondents with a representation dated 23.8.2018 (Annexure P-7), which is pending consideration.

In response, learned State counsel submits that let this petition be disposed of, at this stage, only with a direction to the respondents to consider and deal with the grievance of the petitioner and decide his representation dated 23.08.2018 (Annexure P-7).

In the wake of the above, we disposed of this petition, without

examining the matter on merits, only with a direction to the respondents to consider and decide the representation the respondents have been served with, within a period of 8 weeks from today, and, pass appropriate orders, in accordance with law. Needless to assert that a comprehensive order shall be passed assigning reasons in support thereof.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

16.11.2018

Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No