

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16564 of 2019

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Arena Food and Agro Industries Private Limited a company incorporated under the provisions of the Companies Act, 1956, having its registered office at Village Nimi, P.S. Shekhopur, District Sheikhpura, through its Director, Radhey Sharma, aged about 45 years, son of Harangi Singh, resident of Village Nimi, P.S. Shekopur, District Sheikhpura

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna
2. The Principal Secretary Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna
3. The Additional Secretary Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna
4. The Assistant Director Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna
5. The District Magistrate cum Collector Sheikhpura
6. The Mines Development Officer Sheikhpura

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Suraj Samdarshi
For the Respondent/s	:	Mr.Gyan Prakash Ojha GA-7
For the Mines	:	Mr. Naresh Dikshit, Spl. PP Mines

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 14-08-2019

Heard learned counsel for the petitioner, Mines Department and the State.

This writ application has been filed for issuance of an appropriate writ, order direction in the nature of mandamus directing the respondents to allow the petitioner



to deposit the remainder of third yearly installment of the lease amount for mining lease obtained by the petitioner with respect to land situated at Mauja Mathokar Surdaspur, Circle Sheikhpura, P.O. Sheikhpura, khata 272, and 132 plot 1030(P) and 32(p) Block 04, admeasuring 12.50 acres in six monthly installments. The petitioner further sought direction in the nature of mandamus commanding the respondents not to take any coercive steps including cancellation of lease against the petitioner.

Learned counsel for petitioner submits that petitioner's company had participated in an auction for obtaining a mining lease for stone with respect to land situated at Mauja Mathokar surdaspur, Circle Sheikhpura, P.O. Sheikhpura, Khata no. 272 and 132 plot 1030 (P) and 32(P) Block 04, admeasuring 12.50 acres. The petitioner was granted mining lease being the highest bidder of Rs. 29,00,00,000/- for a period of five years. Thereafter the petitioner's company deposited the security amount of Rs. 2,90,00,000/- and entered into lease agreement with the State of Bihar on 31.3.2017. As per Part V of the said agreement the petitioner's company was supposed to



deposit the entire auctioned amount of Rs. 29,00,00,000/- in five equal yearly installments of Rs. 5,80,00,000/-. The petitioner's company after paying the first yearly installment and execution of the lease agreement entered into the said land and started mining activity.. Subsequently, the petitioner's company paid the yearly installment of Rs. 5,80,00,000/- for the year 2018. The petitioner's company could not pay the installment in its entirety for the year 2019 due to reasons beyond his control.

Learned counsel for petitioner submits that on account of non payment of the aforesaid installment, he is not able to do mining business. The issuance of challan has been stopped. The submission has been made in paragraph nos. 20 and 21 of the writ petition that till date the petitioner has deposited an amount of Rs. 1,86,00,000/- and only an amount of Rs. 3,94,00,000/- remains out of the yearly installment for the year 2019. The petitioner is willing and ready to deposit the remainder of the yearly installment amount of Rs. 3,94,00,000/- with interest in six equal monthly installments

Learned counsel for the mines department submits



that petitioner may be directed to deposit the first installment with interest at the rate of 2% *per annum* within a period of 15 days from date of receipt of this order and thereafter petitioner will deposit the remaining amount in five installment. He further submits that in the event of default in making payment of single installment with interest, State shall be entitled to take coercive action against the petitioner including termination of the lease agreement.

In such circumstances, this writ application is disposed of with direction to the petitioner to make payment of remainder amount of Rs.3,94,00,000/- with interest at the rate of 2% *per annum* within a period of six months from from date of passing of this order. It is made clear that first installment will be paid within a period of 15 days from the date of receipt of this order. The petitioner shall make payment of the remaining amount in five equal installment with interest within a period of five months from the date of making deposit of the first installment. The mines department shall allow the petitioner to do the mining activities after making payment



of the first installment. The Mines Department shall not take any coercive action against the petitioner during first 15 days from the date of passing of this order.

The writ application is accordingly disposed of.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	AFR
CAV DATE	
Uploading Date	18.8.2019
Transmission Date	

