

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23484 of 2018

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Santosh Kumar, son of Mithilesh kumar R/o 1A/3, Aurobinda pally, Bhiringi, Durgapur-13, District- Paschim Bardhaman West Bengal at present R/o Flat NO.606-607, Jeevan Shree Enclave, RPS More, P.S Rupaspur District-Patna Bihar

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The principal Secretary cum Mines Commissioner, Mines and Geology Department, Govt. of Bihar, Patna
3. The Director, Mines and Geology Department, Bihar, patna
4. The Assistant Director, District Mines office, Nawada
5. The District Magistrate-cum- collector, Nawada
6. The Managing Director, Bihar state Electronics Development corporation Ltd. (BELTRON), Baldev Road, Shastrinagar, Patna-800023

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	None
For the Mines & Geology Department	:	Mr. Naresh Dikshit, Spl PP Mines
For State of Bihar	:	Mr. Gyan Prakash Ojha GA-7

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 02-01-2019 None appears on behalf of the petitioner. Learned Special PP Mines has appeared.

Learned Special PP Mines submits that detailed counter affidavit has been filed in this case. The petitioner was allowed to participate in E-Auction in pursuance of order of this Court dated 6.12.2018.

The petitioner has sought relief from this Hon'ble Court for necessary direction to respondent to accept the EMD payment pursuant to memo no. -4129 dated 01.11.2018 and notice inviting E- Auction issued by Department of Mines and



Geology Department, Bihar, Patna and to allow the petitioner to participate in E-Auction of Block-A of Khakhandua Stone Mines, Nawada since petitioner fulfill all the requisite criteria but due to online failure of BELTRON, the requisite EMD payment could not be submitted.

A detailed counter affidavit has been filed on behalf of respondent nos. 1 to 3. It is mentioned in para 5 of the aforesaid counter affidavit that in light of order dated 6.12.2018 passed by the Hon'ble Court in the instant case, the Department held a meeting on 6.12.2018 where the petitioner was allowed to deposit his EMD on 7.12.2018 and to participate in the auction. It is further mentioned in paragraph nos 6 to 9 of the counter affidavit that petitioner deposited his EMD and his bid was accepted on 7.12.2018 and in pursuance of the same, petitioner gave an application that he was very much satisfied with co-operation of the Department. Thereafter, the Collector, Nawada, held a meeting of the Technical Committee on 11.12.2018 and the petitioner was declared eligible for participating in E-auction. A photo copy of the aforesaid minutes of the meeting dated 11.12.2018 has been annexed as Annexure-C to the counter affidavit. In view of the fact that the petitioner was allowed to participate in auction process, the date



of auction was postponed from 10.12.2018 to 12.12.2018 and on that date, all the auctioneers including petitioner participated in the E-Auction process and one Mr. Rajendra Singh, 15, Madar Teresa Marg, North Sri Krishnapuri, Patna, Bihar was declared as the highest auctioneer at Rs. 1,77,36,68,782/- for Block A of Mauza-Khakhandua, District-Nawada, Bihar. He has deposited 10% of auction amount as security money. The Assistant Director (Mines) has issued a letter no. 1622, dated 13.12.2018 informing about the result of auction. A photo copy of letter no. 1622 dated 13.12.2018 has been annexed as Annexure- D to the counter affidavit.

In such circumstances, this Court finds that grievance of the petitioner no more exist. He has been allowed by the Department to participate in E-Auction process. The highest bidder was allotted the work. He has already deposited 10% of auction amount as security money. The Assistant Director (Mines) has issued a letter no. 1622 dated 13.12.2018 informing about the result of auction which is annexed as Annexure- D to the counter affidavit.

In such circumstances, instant writ application has become infructuous and accordingly the same stands dismissed. The Department of Mines and Geology shall now proceed



further in accordance with law on the basis of the result of E-auction.

(Sanjay Priya, J)

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