

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4015 OF 2018**

M/s. Gadre Minerals ... Petitioner
V/s.
State of Maharashtra and anr. ... Respondents

Mr. Pradeep Samant for the Petitioner.
Mr. P.G. Sawant, AGP for Respondent Nos.1 and 2 – State.

**CORAM : AKIL KURESHI, &
S.J.KATHAWALLA, JJ.
DATE : 26th AUGUST, 2019.**

P.C.

1] The petitioner has challenged the order dated 28th April 2011 as well as the appellate order dated 3rd July 2017.

2] Brief facts are as under:

3] The petitioner was granted mining lease by the Government authorities. The lease was for a period of 20 years between 28th October 1996 till 28th October 2016. Primarily, on the ground that the petitioner had breached the conditions of lease, after issuance of show-cause notice the lease came to be

terminated by the impugned order dated 28th April 2011. According to the petitioner, the show-cause notice was never served on him nor was the said order dated 28th April 2011 served on him. Only in the year 2013 upon coming to know about passing of such order, he filed a detailed appeal/representation, which came to be dismissed by the order dated 3rd July 2017. Hence, the petition.

4] Having heard learned counsel for the parties and having perused the documents on record, we do not find any reason to interfere. The material on record will suggest that according to the authorities, the petitioner had not carried out any significant mining operation from the year 2002 onwards right till the year 2010-2011. Whatever defence of technical nature the petitioner has put up, it would be impossible for the petitioner to get away from this basic fact. The petitioner has also made representation which clearly establishes that in the year 2001-02, the petitioner had suspended the mining operation for long period. In the appeal itself, the petitioner had conveyed that on 12th February 2011, after preparation of draft for mining scheme, he had showed intention to start regular

extraction of minerals with effect from 15th March 2011. In clear terms, therefore, the petitioner had suspended the mining operation for long period. Additionally, we note that in the affidavit-in-reply filed by the State Government, it is pointed out that the petitioner had failed to file his monthly returns for the period between April 2004 to March 2010. The affidavit further stated that respondent No.2 wrote letters dated 25th August 2005, 18th November 2005, 27th June 2006, 7th November 2006, 28th May 2007, 9th June 2008, 4th November 2008, 25th March 2009 and 18th July 2009 to the petitioner calling explanation, however, no such explanation was rendered.

5] The record would thus clearly establish that the petitioner had suspended the mining operation for long period running to several years, monthly returns were also not filed. Under these circumstances, the Petition is dismissed.

(S. J. KATHAWALLA, J.)

(AKIL KURESHI, J.)