

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.756 of 2018

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M/s B S C C & C 'J V' having their office at Plot No. 70, Sector-32, Gurgaon, Harana-122001, through its Authorized Signatory Borendra Kumar Jha, s/o Late Sri Gunanand Jha, having its Regional office at Village Daulatpur, New By Pass, Patna Bakhtiarapur Road N.H. 30 P.O.- Garbhuchak, P.S.- Fatuha, District- Patna 803201 Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Mines and Geology, Government of Bihar, Patna.
3. The Assistant Director Head Quarter Mines and Geology Department, Bihar, Patna.
4. The Assistant Director, Mines and Geology, Dept. Dist.- Patna.
5. The District Mines Officer, Mines and Geology, Muzaffarpur.
6. The District Mines Officer, Mines and Geology, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh, Adv
For the Respondent/s : Mr.K.K. Jha-AAG8

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 17-02-2020 Petitioner has prayed for the following relief:-

"That the present writ application is being filed for issuance of a writ in the nature of 'Certiorari' or order(s)/direction(s) quashing the report of the Assistant Director (Respondent No. 3) (Head Quarter) dated 21.11.2017 and also the order of the Principal Secretary, Department of Geology & Mines (Respondent No. 2), Govt. of Bihar, Patna, dated 22.11.2017 by which respondent no. 2 charged Rs. 5.46 Crores and directed to pay the same within 15 days after passing of the order."



It is the petitioner's grievance that pursuant to the order dated 01.11.2017 passed in CWJC No. 12133 of 2016 (Nilima Sinha Vs Union of India), the competent authority i.e. the Principal Secretary, Department of Mines & Geology, Govt. of Bihar, vide his order dated 22.11.2017 (Annexure-2), has fastened liability of more than 5.46 Crores (approximately) on the basis of enquiry report dated 21.11.2017 (Annexure-1) submitted by Assistant Director (H.Q), Department of Mines & Geology, copy whereof not supplied and order passed without knowledge of contents of such a document.

We are satisfied with the submissions made across at the bar with regard to non compliance of principles of natural justice, and as such, without expressing any opinion on merits of this case, on this short ground alone, for the impugned order entails penal consequence, the same is quashed and set aside, with a further direction to the competent authority to consider and decide the matter afresh, after supplying all the documents to all concerned, and after affording opportunity of hearing, positively, within a period of three months from today.

Parties appearing before this Court undertake to appear before the competent authority on the 5th of March, 2020 to fully co-operate and not take any unnecessary



adjournment.

Needless to add, that the said authority shall pass an order assigning reasons, which shall be communicated to the petitioner.

Thereafter, if so required and desired, it shall be open to the petitioner to take appropriate steps, in accordance with law.

We clarify that all issues are left open and also we may not be misunderstood to have expressed any opinion with regard to the culpability of the petitioner in the alleged crime, in relation to which, an FIR stands registered, which has to be investigated and dealt with, in accordance with law.

The petition stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

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