

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.3127 OF 2017

(M/s. Murli Industries Limited (formerly known as Murli Argo-Products Limited),
Nagpur thr. authorised signatory appointed by the National Company Law Tribunal
Vs. State of Maharashtra thr. its Secretary, Industries, Energy and Labour
Department, Mumbai and another)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri H.V. Thakur, Advocate for Petitioner.
Ms. H.N. Jaipurkar, AGP for Respondent Nos.1 & 2.

CORAM: RAVINDRA V. GHUGE AND
S.M. MODAK, JJ.

DATE: 13th FEBRUARY, 2020.

1] The petitioner is aggrieved by the order dated 07.01.2016 passed by the Director of Mines, which is a revisional authority under the Mines and Minerals (Development and Regulation) Amendment Act, 2015. The petitioner is also aggrieved by the tender notice dated 05.04.2017, by which the State desires to resort to auctioning the lime stone mine block.

2] This petition was heard by the learned Vacation Judge on 23.05.2017. Notice was issued. No relief was granted to the petitioner.

3] The learned Advocate appearing in Civil Application (W) No.1679/2017 seeking intervention, submits that he was the highest bidder in the said auction and has already parted with an amount of Rs.17 crores

including certain bank guarantees, in 2017 after he was allotted the Nandgaon Ekodi lime stone block. On account of the pendency of this petition, the State of Maharashtra did not issue the permit to the applicant to begin the mining operations. The amount paid by the applicant to the State Government is lying with the Government and is not permitted to commence the mining activities.

4] In these peculiar circumstances, the civil application seeking intervention is allowed and the applicant shall be arrayed as respondent No.3 in this petition.

5] We have considered a host of factors canvassed by the litigating sides. Considering the order that we are passing, we are not required to advert to their entire submissions. Suffice it to say, that this petitioner had approached this Court in Writ Petition No.157/2016 for challenging the same order dated 07.01.2016, which is now impugned in this petition, that was passed by the Director of Mines. On 11.01.2016, this Court had passed the following order:

Issue notice to the respondents returnable on 1.2.2016.

Mr. M.K. Pathan, learned AGP waives notice on behalf of respondent Nos. 1 and 2 and Mrs. M.R. Chandurkar, learned counsel waives notice on behalf of the learned ASGI, for respondent No.3.

By way of ad-interim order, it is directed that though the respondents would be at liberty to proceed further with regard to the process for auctioning of the mining block

which is the subject matter of the present writ petition, no final decision shall be taken by the State Government without prior approval of the Court.

6] On 16.06.2016, the petitioner withdrew the petition unconditionally. No liberty was sought from this Court to file another petition in the same cause.

7] In view of the above, as the petitioner gave up the challenge to the impugned order dated 07.01.2016 by withdrawing the petition unconditionally, we are of the view that this petition by which, the same order dated 07.01.2016 is sought to be challenged, cannot be entertained.

8] Considering the above, this petition is dismissed.

9] It is open to respondent No.3 to seek damages or refund of the amount with interest or adjustment of the said amount with the mining block tender that has been allotted to him. In this context, we leave it open to respondent No.3 to take a decision as he deems fit and proper.

(S.M. Modak, J.)

(Ravindra V. Ghuge, J.)