

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

109/287

**CWP-5185-2020 AND
CWP-30322-2018**

Date of Decision: 28.2.2020

Gurvarinder Singh Sidhu

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM:- HON'BLE MR. JUSTICE RAJAN GUPTA.
HON'BLE MR. JUSTICE KARAMJIT SINGH.**

PRESENT: Mr. Nitin Kaushal, Advocate for the petitioner.

Mr. Sahil Sharma, DAG, Punjab.

RAJAN GUPTA, J. (Oral)

Petitioner is aggrieved by orders dated 20.9.2019 (Annexure P-18) and 18.2.2020 (Annexure P-20), respectively, passed by the District Mining Officer, Moga, whereby demand has been raised by the authority on the ground that the petitioner has not deposited quarterly installments.

Admittedly, an amount of ₹ 1.5 crores (₹ 90 lakhs as security and ₹ 60 lakhs as quarterly installment) is lying deposited with the department.

At the outset, learned counsel for the petitioner submits that there is a provision in the Punjab Minor Mineral Rules, 2013 for filing an appeal to the Government. He has referred to Section 44 thereof in this regard. He submits that the petitioner would be satisfied if the appellate authority considers his plea and passes appropriate orders.

Learned State counsel has no objection to the same.

In these circumstances, learned counsel for the petitioner submits that he may be allowed to withdraw both the petitions with liberty to avail remedy of appeal.

Learned State counsel submits that the appeal shall not be opposed on the ground of delay/laches. If the appeal is filed against the order dated 20.9.2019 (Annexure P-18) before the appellate authority within two weeks from today, the decision thereon shall be taken within six weeks thereafter.

Till then recovery proceedings pursuant to order dated 20.9.2019 (Annexure P-18) be kept in abeyance. However, the State shall be at liberty to retain ₹ 1.5 crores deposited by the petitioner till the decision is taken on the appeal.

Writ petitions are dismissed as withdrawn.

A photo copy of this order be placed on the file of the connected case.

**(RAJAN GUPTA)
JUDGE**

February 28, 2020
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**(KARAMJIT SINGH)
JUDGE**

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No