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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
2020.01.29 17:58
I attest to the accuracy and
authenticity of this document

CWP-PIL-239-2019
Date of decision : 29.1.2020

Sanjay Khera

..... Petitioner (s)

Versus

State of Haryana and others

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE RAJIV SHARMA
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present:- Mr. Ashwani Kumar Chopra, Senior Advocate with
Mr. Akshit Chaudhary and Mr. Naveen S. Bhardwaj, Advocates
for petitioner.

Mr. Ankur Mittal, Additional A.G. Haryana.

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RAJIV SHARMA, J (ORAL)

The present petition has been filed styled as Public Interest
Litigation seeking following reliefs :

- i. Issue of a writ in the nature of certiorari for quashing the impugned Letter of Award dated 5.8.2019 (Annexure-P-8) issued by the HSIIDC in favour of respondent No. 5 M/s Dhansar Engineering Company Limited, by accepting its proposal in response to HSIIDC Request for proposals dated 7.3.2019 for selection of Concessionaire for Development, Operation and Maintenance of Khanak Mines Project, for the purpose of operations of said Mines, despite the State having granted the said mining project to HSIIDC under concession in exercise of its powers under Rule 118 of the Haryana Minor Mineral Concession, Stocking, Transportation of Mineral and Prevention of Illegal Mining Rules, 2012 read with Section 17A of the

Mines and Minerals (Development and Regulation)
Act, 1957.

- ii. Issue of any other appropriate writ, order or direction in the nature of mandamus directing the respondents to set aside the letter of award and to conduct an enquiry into causing the illegality to perpetuate at the cost of public exchequer to confer undue benefit in favour of the private respondent causing huge financial implication and loss to the State Exchequer apart from greater financial implications to the consumer; and/or
- iii. Issue of any other appropriate writ, order or direction that this Hon'ble Court may deem fit in the circumstances of the present case.
- iv. Dispense with the issuance of advance notice to the respondents under the High Court Rules and Orders.
- v. Dispense with the filing of the true typed copies and certified copies of annexures attached to the present writ petition and permit the petitioner to file photocopy of the second set.
- vi. Costs of the writ petition may kindly be awarded in favour of the petitioner.
- vii. It is further prayed that during the pendency of the writ petition, respondent No. 5 M/s Dhansar Engineering Company Limited, may kindly be restrained from carrying out further mining operations, as per the aforesaid Letter of Award dated 5.8.2019 (Annexure-P-8) or any other interim relief to which the petitioner may be found entitled by this Hon'ble Court may kindly be granted.'

The petitioner has not approached the statutory authorities before filing the present Public Interest Litigation. It shall be open to the petitioner to file a representation before the Principal Secretary to Government of Haryana or Director, Mines and Geology Haryana. The petitioner is at liberty to file representation within one week from today and same shall be decided by Principal Secretary to Government of Haryana by passing a speaking/detailed order three weeks thereafter by taking into

consideration all the pleas to be raised in the representation.

Petition stands disposed of.

The petitioner is at liberty to approach this Court again in case representation made by petitioner is not decided in his favour.

(RAJIV SHARMA)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

29.1.2020
sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No