

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1975 of 2020

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Singh Naturals Resources Pvt. Ltd. a company registered under the Companies Act, 1956, having its office at Dhirendra Puram Rani bandh Talab Dhैया, District Dhanbad through its authorised signatory Satyendra Singh, aged about 54 years (Male), son of Achhaber Singh, resident of Near Shiv Mandir, Sendra Bansjora, P.S. Bansjora, District- Dhanbad

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna
2. The Principal Secretary cum Mines Commissioner, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna
3. The Additional Secretary cum Director, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna
4. The Collector cum District Magistrate, Patna
5. The Additional Director, District Mining Office, Patna
6. The District Mining Officer, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Suraj Samdarshi, Advocate
For the Respondent/s	:	Mr.Gyan Prakash Ojha (GA 7)
		Mr. Ajit Kumar, AC to GA 7
		Mr. Naresh Dikshit, Spl. P.P., Mines

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 30-11-2021

Petitioner has prayed for the following relief(s):

“i) To issue an appropriate writ, order or direction in the nature of certiorari for quashing letter bearing memo no. 3367 dated 26.12.2019 (Annexure 4) issued by the Respondent Collector cum District Magistrate whereby and where under the



Petitioner Company has been debarred from participating in any e-auction for the district for Patna for a period of five years from 2020 and the Earnest Money Deposit of Rs. 46,10,000/- has been forfeited.

ii) Consequent to grant of the relief no (I), the Petitioner prays for issuance of further direction upon the Respondents to return the Earnest Money Deposit of Rs. 46,10,000/- to the Petitioner.

iii) This Hon'ble Court may further adjudicate and hold that the action of the Respondent Authorities, in debarring the petitioner company from participating in any e-auction for the district for Patna for a period of five years from 2020 without any authority of law.

iv) This Hon'ble Court may further adjudicate and hold that the action of the Respondent Authorities, in debarring the petitioner company, is an act of mala fide and complete arbitrary exercise of authority/power.

v) To grant any other relief or reliefs which the Petitioner may be found entitled to in the facts and circumstances of the case.”

Shri Suraj Samdarshi, learned counsel for the petitioner, inviting attention of the Court to the order dated 13th of December, 2019 (page-45), contends that the last date for deposit of the amount was 17th of December, 2019 and yet prior thereto, the respondent issued notice dated 13/14th of December,



2019 asking the petitioner to deposit the amount (10%) immediately. Further, vide impugned order dated 26th of December, 2019 not only forfeited the money deposited by the petitioner (part payment), but also blacklisted the petitioner from participating in the E-tendering process in future, for a period of five years. He further states that respondents could not have done so, more so in view of the non-execution of the lease deed under Rule 28 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rule, 2019. It is also argued that the terms of the N.I.T. stipulated only the condition of forfeiture of the earnest money. There is no provision whereby the authority can debar/blacklist the party for non-compliance of the tender conditions.

On the other hand, Shri Naresh Dikshit, learned Special P.P. (Mines), states that all such pleas can be taken by the petitioner before the appellate authority by filing an appeal as envisaged under Rule 67 or filing a petition for revision as envisaged under Rule 68 of the Rules.

Having given our thoughtful consideration, we are in agreement with the submissions made that the appellate/revisional authority is duly empowered to decide all questions of fact and law, including the ones raised before us.



Efficaciously all issues can be decided there.

As such, in the attending facts and circumstances, more so when Shri Suraj Samdarshi argues that no notice of the communications referred to in the impugned order (page 47) other than the one at page 46 was ever served upon the petitioner, we dispose of the present petition in the following terms:

(a) The petitioner shall prefer an appeal/petition seeking revision within a period of four weeks from today;

(b) Shri Naresh Dikshit, learned counsel for the State states that if the petitioner were to take such action within the said period, the issue of limitation shall not be allowed to come in the way of consideration of the same on merits;

(c) Petitioner undertakes to fully co-operate and not take any unnecessary adjournment;

(d) We direct the concerned authority to decide the appeal/revision expeditiously, preferably within a period of four weeks from the date of its presentation;

(e) Liberty reserved to the petitioner to file an application seeking stay of the order of debarment, upon which, we are hopeful, the authority shall promptly take a decision.

(f) All issues on fact and law are left open.



Petition is disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	02.12.2021
Transmission Date	

