

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.964 of 2021

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Champion Group of Companies, a proprietorship firm having its office at Divyalok Complex, 2nd and 3rd Floor East Canal Boring, Patna 800001 through its Proprietor, Amit Kumar Singh, aged about 50 years (Male), Son of Shri Rameshwar Singh, resident of Village Baghini Village Baghini, P.O. Harinathpur, P.S. Mohania, District Kaimur (Bhabhua), presently residing at House No. 161, Patliputra Colony, P.S. Patliputra, District-Patna, Bihar-800013.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Road Construction, Government of Bihar, Vishweshwaraiya Bhawan, Patna.
2. The Additional Chief Secretary, Department of Home (Police), Government of Bihar, Sardar Patel Bhawan, Bailey Road, Patna.
3. The Principal Secretary cum Mines Commissioner, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Patna.
4. The Additional Director, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Patna.
5. The District Magistrate, Kaimur (Bhabhua).
6. The Mines Inspector cum Competent Authority, Kaimur (Bhabhua).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Suraj Samdarshi, Advocate
For the Respondent	:	Mr. Gyan Prakash Ojha, GA-7
		Mr. Abhishekh Singh, AC to GA-7
		Mr. Naresh Dikshit, Spl. P. P. Mines
		Ms. Kalpana, Advocate

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

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 07-12-2021

Heard learned counsel for the parties.

The petitioner has prayed for the following relief/s :-

“i) For issuance of a writ, order or direction in the nature of certiorari for quashing letter no. 07 dated 08.01.2020 (Annexure 3) issued by the Respondent Mines Inspector cum Competent Authority, Kaimur (Bhabhua), directing the petitioner to deposit interest to the tune of Rs. 59,75,567/- on account of alleged late payment of royalty.

ii) During the pendency of this writ application, to issue an appropriate writ, order or direction restraining the Respondents from taking any coercive steps for recovery of Rs. 59,75,567/- on account of alleged late payment of royalty.

ii) This Hon'ble Court may further adjudicate and hold that the demand Rs. 59,75,567/- on account of alleged late payment of royalty is completely arbitrary, unjustified and unreasonable in nature.

iv) This Hon'ble Court may further adjudicate and hold that the demand of interest of Rs. 59,75, 567/- on account of alleged late payment of royalty is de-hors the Bihar Minerals (Concession, Prevention of illegal Mining, Transportation& Storage) Rules, 2019.

v) This Hon'ble Court may further adjudicate and hold that since the settlee is required to pay the entire royalty amount in advance, therefore there is no justification in charging interest over the same.

vi) To award any other relief or reliefs for which the petitioner is found entitled in the facts and the circumstances of the case.”

The petitioner lays challenge to the communication dated 8th of January, 2020, which reads as under :-

ANNEXURE-3 89

जिला खनन कार्यालय, कैमूर (भभुआ)।

पत्रांकC.T...../खनन, कैमूर दिनांक 01/01/2020.....

प्रेषक,
स्थान निरीक्षक
—सह—
खनन, जिला कैमूर

प्राप्त की,
मेसर्स सी.एस.एस. ग्रुप लिमिटेड, बल्लूघाटी
डो- श्री अमित कुमार शर्मा
पिता- श्री बालकृष्ण शर्मा
ग्राम- धर्मिणी
पोस्ट- हरिनाथपुर
तहसील- मोहमिदी
जिला- कैमूर (भभुआ)।

विषय- कैमूर जिलान्तर्गत, सम्पूर्ण बल्लूघाटी के बायत रूद की शर्त का भुगतान के संबंध में।

महत्त्व- उपर्युक्त विषय के सम्बन्ध में कहना है कि आपके द्वारा कैमूर जिलान्तर्गत, सम्पूर्ण बल्लूघाटी की दन्दोबस्ती 5 वर्षों (2015 से 2019 तक) के लिए ली गई थी। निविदा के बहिष्कार 12 में उल्लेखित समय सीमा के अन्दर प्रथम किरत, द्वितीय किरत एवं तृतीय किरत की शर्त का भुगतान करना था। नियमानुसार जिसका से किरत की शर्त का भुगतान करने पर कुल रु.59,75,567/- रुपये रूद की शर्त बकाया देय होता है। **(इनमें से रु. 5,00,000/- रु. 5,00,000/- रु. 5,00,000/- रु. 5,00,000/- रु. 5,00,000/-)**

अतः उपरोक्त रूद की शर्त का भुगतान मात्र निर्गत तिथि के 15 दिनों के अन्दर जमा करन सुनिश्चित करें अन्यथा नियमानुसार बकाया करते हुए बकाया शर्त की सरसूची हेतु नीलाम पत्र मुकादमा दायर कर दी जाएगी।

कृपया इसे अति आवश्यक समझें।

विधासभाजन
01.01.2020
स्थान निरीक्षक
—सह—
सहायक पदाधिकारी
कैमूर, (भभुआ)।

Petitioner is right in contending that the communication does not indicate the details and the manner in which the authorities arrived at a figure of Rs.59,75,567/-, payable by the petitioner.

Ms. Kalpana, learned counsel for the respondent states that let the petitioner appear before the authority who shall

furnish all the details to the petitioner.

Order accordingly.

Let the petitioner appear before the authority on 21.12.2021 at 10.30 a.m., on which date details of the amount due and payable by the petitioner shall be supplied to the petitioner.

Liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law including filing an appeal as is so stated by the learned counsel for the state.

We are hopeful that the authority concerned shall take a decision within a period of four weeks.

We clarify that we have not expressed any opinion on facts and law. All issues are left open.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	