

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2734 of 2021

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Westlink Trading Private Limited, A Company registered under the Companies Act, 1956 having its Registered office at D- 504, Building No. 27, Sunshine Co- Op HSG SOC Ltd., Mahada Colony Chandivali, Mumbai - 400072 having its branch Office at Mohalla Kailashpuri, P.O. and P.S. Banda, District Banda, Uttar Pradesh and local office at Ist Floor, Shivam Apartment, Anandpuri, West Boring Canal Road - 800001 through its Director Abhishek Kumar Singh, aged 46, Male, S/o of Devendra Mohan Singh, Resident of 1st Floor, Shivam Apartment, Anandpuri, West Boring Canal Road - 800001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner-Cum-Principal Secretary, Department of Mines and Geology, Vikas Bhawan, Bailey Road, Patna - 800001.
2. The Joint Secretary-Cum-Director, Directorate of Mines and Geology, Vikas Bhawan, Bailey Road.
3. The Collector, Gaya, District Gaya, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prince Kumar Mishra, Advocate Mr. Sanket, Advocate
For the Respondent/s	:	Mr. Naresh Dixit, Spl. PP 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 : 21-12-2021

Heard learned counsel for the parties.

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

“(i) For issuance of writ in the nature of Mandamus directing the Respondents to grant additional 97 days of settlement for mining to the Petitioner - Company with respect to the Settlement period of 2015-2019.

(ii) For issuance of writ in the nature of

Mandamus directing the respondent authorities in the alternative to pay Rs. 4,66,91,053/-. As compensation for loss 97 days of active mining during the period of Settlement period due to arbitrary actions of the Respondent authorities.

(iii) For holding a declaration that on account of illegal, invalid and unjust and unreasonable disablement of the E- challans downloading facilitation by the Respondent authorities and due to arbitrary act Of omission and commission by the Respondent authorities the Petitioner Company has suffered huge losses as stated in figures herein above for which the Respondent authorities are responsible and accountable.

(iv) For such other writ(s), order (s), relief (s) under the facts stated below, as your lordships may deem fit and proper.”

After the matter was heard for some time, Shri Prince Kumar Mishra, learned counsel for the petitioner, fairly states that the petition can be disposed of with a direction to Respondent No. 2, namely, the Joint Secretary-Cum-Director, Directorate of Mines and Geology, Vikas Bhawan, Bailey Road., to consider and decide the petitioner’s request pending consideration. Also, in support thereof, within one week from today, petitioner shall place on record additional materials, highlighting the manner in which the State Government erred in allotting/auctioning the rights, subject matter of the

contract/lease entered into between the petitioner and the State. Specific attention is invited to Rule 11A of the Bihar Minor Mineral Concession Rules, 1972.

Mr. Naresh Dikshit, learned Special P.P. for the Department of Mines states that without prejudice to the respective rights and contention of the parties, the respondent No.2, Joint Secretary-Cum-Director, Directorate of Mines and Geology, Vikas Bhawan, Bailey Road., shall positively take a decision on the petitioner's request expeditiously, by passing a speaking order as also affording adequate opportunity of hearing. This shall positively be done within a period of two months from the date of the filing of the representation.

Mr. Prince Kumar Mishra, learned counsel for the petitioner states that the petitioner shall make himself available in the office of the Respondent No.2 on 10.01.2022 at 10.30 a.m. when a detailed request shall be presented to him.

We expect that the appropriate authority shall consider and decide the petitioner's request expeditiously and preferably within a period of two months from the date of its presentation.

Liberty reserved to the petitioner to approach the Court, if the need so arises subsequently on the same and subsequent cause of action.

We have not expressed any opinion on merits. 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)

Rajiv/veena-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	