

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 3572 of 2021**

Archean Industrial Mineral Suppliers Through Its Proprietor, Nawab Mohammad Khan, S/o Shri Abdul Rahman, Aged About 47 Years, Permanent R/o Amraiya Par Kemor , District Katni Madhya Pradesh., District : Katni *, Madhya Pradesh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary , Department Of Geology And Mining, Mantralaya , Mahanadi Bhawan, Nava Raipur , Atal Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Director Geology And Mining Indravati Bhawan, Nava Raipur , Atal Nagar, District Raipur Chhattisgarh.
3. The Collector (Mining) District Koriya Chhattisgarh.
4. Mining Officer District Koriya Chhattisgarh.

---- Respondents

For Petitioner/s	:	Mr. Manish Nigam, Advocate
For State	:	Mr. Alok Bakshi, Addl. AG with Mr. Rahul Jha, GA

Hon'ble Shri Justice P. Sam Koshy**Order on Board****15/12/2021**

1. The limited grievance that petitioner raises in the present writ petition is for appropriate direction to the respondent no.3 for considering and deciding his application for renewal of the temporary storage permit under the Chhattisgarh Mineral(Mining, Transportation and Storage) Rules, 2009.
2. Contention of the petitioner is that the petitioner had a valid permit with the validity uptill 18.06.2021. It is further contention of the petitioner that under the aforementioned rules the requirement is to move an application for renewal before 90 days expiry of the existing permit. The petitioner in the instant case because of the Covid-19 Pandemic (Second

Wave) Impact could not move an appropriate application as per the requirement under law of submitting an application before 90 days. However, application was made before the expiry of the permit on 10.06.2021 whereas the validity of the permit was uptill 18.06.2021 and thereafter there has been no further development on the said application.

3. Learned Additional AG appearing for the respondent submits that as per the instructions, the respondent no.3 is the competent authority and who has called upon the clarification of the respondent no.2 so far as the acceptance of an application if not submitted before the expiry of 90 days period which is otherwise required under the Rules of 2009.
4. Learned counsel for the petitioner in this context referred to the judgment of the Hon'ble Supreme Court whereby they had granted interim protection to the all those cases where the period of limitation was applicable, and where there was inability on account of the Pandemic in availing the said benefit and in approaching the concerned Court during the said period. The protection given by the Hon'ble Supreme Court was applicable on judicial proceedings as well as quasi judicial proceedings. The Supreme Court had waved off the period of limitation from 15.03.2020 to 02.10.2021.
5. Given the aforesaid facts and circumstances of the case and also taking note of the fact that application is still pending before respondent no.3 the writ petition at this juncture can be disposed of directing the respondent no.3 to take an appropriate decision on the said application in accordance with law governing the field. That while taking a decision the respondents also shall take note of the judgment of the Supreme Court in so far as waving off the period of limitation is concerned. Let a decision be taken at the earliest preferably within a period of 45 days from the date of receipt of copy of this order.

6. With the above observations/direction, this writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit