

106 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
CWP-6816-2021 (O&M)
Decided on 23.07.2021

Jai Karan

....Petitioner

vs

State of Haryana and Others

....Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Akshay Bhan, Sr. Advocate with
Mr. Alok Mittal, Advocate for the petitioner.

AJAY TEWARI, J.(Oral)

1. This writ petition has been filed under Article 226/227 of the Constitution of India for quashing the order dated 26.10.2020 of respondent No.1 (Annexure P-43) dismissing the appeal of the petitioner filed under Rule 109 (2) of Haryana Minor Mineral Concession Stocking and Transportation of Mineral and Prevention of Illegal Mining Rules 2012 against the impugned order dated 13.3.2020 of respondent No.3 (Annexure P-41).

2. The primary contention raised by the learned Senior counsel appearing on behalf of the petitioner is based on the notification Annexure P-5, as per which when a recommendation is made by the Expert Appraisal Committee (hereinafter referred to as the 'EAC') and the same is not acted upon by the Competent Authority within 60 days, it would be deemed that the decision of EAC has to prevail. As per the decision of the EAC in the case of the petitioner, an area of 666 hectares had been reduced from his mining contract and this point had been disregarded in the impugned order.

3. The second argument raised by the learned Senior counsel for the petitioner is that despite the suspension order having been passed on 04.07.2017, the cancellation of the license took place after three years and even for these three years the petitioner is being saddled with the contract

amount.

4. Notice of motion.

5. On the asking of the Court, Mr. Lokesh Sinhal, Sr. Addl. A.G., Haryana appears and accepts notice on behalf of respondents-State and has very fairly stated that he had gone through the paper book and there are certain issues which have not been dealt with by the Appellate Authority and therefore, he would not oppose an order whereby the impugned order is set aside and the appellate Authority be directed to pass fresh order in accordance with law after dealing with all the contentions raised by the learned senior counsel for the petitioner. The learned Senior counsel for the petitioner states that he would have no objection to this course of action but prays that some time limit be imposed in this matter as this matter has been lingering for the last five years.

6. We find this to be a fair request. Consequently, impugned order Annexure P-43 is set aside and we direct the Appellate Authority to decide the said matter afresh by passing a speaking order in accordance with law after hearing the petitioner within a period of three months from the date of receipt of certified copy of this order.

7. Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

(VIKAS BAHL)
JUDGE

23.7.2021
anuradha

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No