

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CWP-11749-2020 (O&M)
Date of decision: 12.3.2021**

Friends and Company

... Petitioner (s)

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. Gurminder Singh, Sr. Advocate, with
Mr. R.P.S. Bara, Advocate,
for the petitioner (s).

Mr. Sahil Sharma, DAG, Punjab.

RAJAN GUPTA, J. (Oral)

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

Petitioner is aggrieved against order dated 25.6.2020
(Annexure P-10 herein). Order reads as under : -

“On the subject cited above and in continuation of the letter
under reference, it is written to you that your agency had been
allotted mining Block No.5 through e-auction whose temporary
approval had been issued by this office on dated 31.07.2019.
As per the terms and conditions of the e-auction after four
months of the issuance of temporary approval the time period
of the contract is to start which is dated 01.12.2019. So the
payment of the installment of the contract from dated

01.12.2019 needs to be done by you. But you have deposited only one installment in the form of advance E.M.D. The following amount is required to be deposited by your agency :

S.No.	Time period	Rs	Special Remarks
1.	01.12.2019-20.02.2020	8,60,00,000.00	Has been deposited as advance in the form of E.M.D.
2.	01.03.2020-31.03.2020 and from 15.03.2020 to 30.06.2020 along with 18% interest	2,92,16,438.00 15,41,667.00	Balance Installment
3.	01.04.2020-30.06.2020 15.04.2020-30.06.2020 along with 18% interest	8,60,00,000.00 32,23,232.00	Balance Installment

Amount to be paid till dated 30.06.2020 – Rs.119981337.00

T.C.S. @ 2% - Rs. 23,99,626.00

Total amount – Rs.12,23,80,963.00

Therefore, it is instructed to you that within 7 days from the receipt of this letter by contacting with the office, the above amount be got deposited otherwise it would be written to the higher officers for cancellation of your contract under the Miner Mineral Rules.

Executive Engineer-cum-District Mining Officer
Mining Division, Amritsar”

At the outset, a query has been put to Mr. Sharma learned counsel representing the State whether an opportunity of hearing can be afforded to the petitioner and a detailed speaking order can be passed, he does not express any difficulty in that regard. Mr. Sharma submits that order can be passed by Director (mining).

Under the circumstances, present writ petition is disposed of with the observation that in case petitioner files reply/representation to the impugned notice within a week from today, a decision thereon shall be taken by way of speaking order within 10 days thereafter. If necessary, an opportunity of hearing be also afforded to the petitioner before passing an order. Till then proceedings pursuant to the impugned order/notice be kept in abeyance.

(RAJAN GUPTA)
JUDGE

(KARAMJIT SINGH)
JUDGE

March 12, 2021

Paritosh Kumar

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No