

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

105

**CWP-13485-2021(O&M)
Decided on : 3.8.2021**

M/s Haryana Mining Company

....Petitioner

VS

State of Haryana and others

....Respondents

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

Present: Mr. Amit Jhanji, Senior Advocate with
Mr. Shashank Shekhar Sharma, Advocate
for the petitioner.

AJAY TEWARI, J.(Oral)

CM-10046-CWP-2021

1. This application has been filed for placing on record the additional affidavit and exemption from filing the certified copies of Annexure P/24 to Annexure P/30.

2. For the reasons recorded in the application, the same is allowed and above said documents are taken on record, subject to all just exceptions.

Main case

3. By this petition the petitioner has challenged the cancellation of its mining licence on the ground that it had done illegal mining in an area of 0.056 hectare.

4. The precise contention of the learned Senior counsel is that there were two adjoining mines, one was of the petitioner and

the other was of M/s Hari Har Mining Company and in both there were allegations of illegal mining but as per the petitioner, the illegal mining was being indulged in by the other company and not by the petitioner. Both the companies filed appeals against the finding that they were indulging in illegal mining and both the appeals were being proceeded with separately. As per the learned Senior counsel, the separation has led to a wrong finding with regard to the petitioner. We have gone through the order and find that it would have been more appropriate if the appellate authority in the present case had the benefit of the record available in the case of M/s Hari Har Mining Company to be able to determine whether the illegal mining complaints are of different areas or whether the illegal mining which was alleged against the aforesaid company has been tagged on to the petitioner also.

5. Notice of motion.

6. On advance notice, Mr. Lokesh Sinhal, Sr. Addl. A.G., Haryana appears and accepts notice on behalf of the respondents. He has stated that he has obtained instruction and he would have no objection if the impugned order (Annexure P-19) is set aside and the matter is remitted back to the appellate authority i.e. Additional Chief Secretary to Government of Haryana Mines & Geology Department who would summon the record of the case of M/s Hari Har Mining Company also and peruse the same while re-deciding the appeal of the petitioner. Learned State counsel further states that the appellate authority would give another opportunity of hearing to the petitioner and thereafter, decide the case within one week and till then the

respondents will not finalize the auction of the mining areas which were under the licence of the petitioner.

7. Learned Senior counsel for the petitioner states that he has no objection to this course of action but it would be more appropriate if some date is fixed for the petitioner to appear before the appellate authority. In consultation with learned State counsel, it is directed that the petitioner shall appear before appellate authority on 5.8.2021 at 10:00 am (on or any other date on which the appellate authority may require his presence) who shall decide the appeal afresh by passing a speaking order thereon after consulting the record of aforesaid appeal of M/s Hari Har Mining Company on or before 11.8.2021.

8. Petition stands disposed of in above terms and impugned order Annexure P-19 is set aside.

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

(AJAY TEWARI)
JUDGE

(VIKAS BAHL)
JUDGE

3.8.2021
anuradha

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