

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

-.-

CWP-20077-2021

Date of decision : 01.10.2021

Prime Vision Industries Pvt. Ltd.

.... Petitioner

Vs.

State of Punjab and Others

....Respondents.

**CORAM: HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MRS. JUSTICE ALKA SARIN**

Present: Mr. Gurminder Singh, Sr. Advocate, with
Mr. R.P.S.Bara, Advocate, for the appellant.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab.

AJAY TEWARI, J. (ORAL)

Taken up through video conferencing.

This petition along with Civil Writ Petition No. 19360-2021, titled as “**M/s Mahadev Enclave Pvt. Ltd. Vs. State of Punjab and Others**” were filed challenging the action of the State of Punjab during a way with the extending policy of the contract mining which as per the petitioners is on statutory bases. Reference has been made to the document Annexure P-9 in this regard, wherein it has been mentioned as under:-

“ *The discussion was held on the Punjab State Sand and Gravel Policy, 2018. It was decided that the mining of Sand and Gravel be taken out of the purview of the present contractor system. Principal Secretary, Water Resources, will submit a draft policy before the Council of Ministers.* ”

It may be mentioned that in the connected petition (CWP-19360-2021, titled as **M/s Mahadev Enclave Pvt. Ltd. Vs. State of Punjab and Others**), the following order was passed on 27.09.2021:-

“Learned State counsel states that as per the verbal instructions, the apprehensions raised by the petitioner are groundless as there is no change in the mining policy and seeks two days time to file affidavit in this regard.

Adjourned to 01.10.2021.”

Pursuant thereto an affidavit dated 29.09.2021 of Rahul Bhandari, Director Mining, Department of Water Resources, Government of Punjab, has been filed in which it has been mentioned as follows:-

“XXXX XXXX XXXX

2. *That in view of numerous reports in media about overcharging for sand and gravel, the department is contemplating to amend the present policy so as to have more transparency in working of department and ensuring cheaper sand and gravel to the public.*

3. *That the issue is at deliberation stage at this point and no final decision has been taken. This writ petition has been filed to pre-empt and influence the policy making role of the department and the Government.*

xxx xxxx xxx xxxx”

The contention of the learned Senior Counsel is that from the decision Annexure P-9, it is clear that the existing contracts have been set aside.

In our opinion no such construction can be made to the decision, particularly in view of the affidavit which has been filed.

At this stage, both the petitions are dismissed as they are wholly pre-mature.

Since the main cases have been dismissed, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

October 01, 2021
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO