

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

**CWP No.20994 of 2020 (O&M)  
Date of decision : 01/02/2021**

M/S SBIPL Projects Limited

..... Petitioner

versus

State of Haryana & ors.

..... Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI  
HON'BLE MR.JUSTICE RAJESH BHARDWAJ**

**\*\*\***

Present :- Mr. Mohan Jain, Senior Advocate with  
Mr. Vikram Jain, Advocate  
for the petitioner.

**\*\*\***

**AJAY TEWARI, J.**

1 This petition has been filed against the order dated 28.08.2020 (Annexure P-18) passed by the Appellate Authority-cum-Principal Secretary to Government Haryana partly allowing an appeal filed by the petitioner-Company.

2 The brief facts are that the petitioner was granted a lease for mining of stone from Kalyana Plot No.2 of District Bhiwani (now District Charkhi Dadri) for a period of 12 years w.e.f. 11.04.2016. The lease was terminated by the Director General Mines and Geology Department, Haryana on 06.05.2019 for non-payment of contract money and other dues. Those dues related to payment of dead rent as well as dues even for operational period despite notices. Initially by an order dated 22.02.2018 the Assistant Mining Engineer, Charkhi Dadri suspended the mining operation as per provisions of Rule 56 (7) (ii) of the State Rules, 2012.

The petitioner approached the Director and as per the Rule submitted

50% of the dues with an undertaking to deposit the remaining 50% dues within 3 months along with the concurrent dues with interest and on this the Director vide order dated 20.03.2018 revoked the suspension order. However, for not depositing the dues as per the conditions of the revocation order the Director, Mines and Geology Department again withdrew the order dated 20.03.2018 and mining was suspended. The petitioner filed CWP No.13549 of 2018 and by order dated 25.05.2018 this Court stayed the order and directed that the petitioner shall make the payment upto 7<sup>th</sup> July, 2018 and listed the matter for 13.07.2018. During the pendency of the above, the Gram Panchayat raised the issue of non-payment of compensation as required under Clause 16 part III of the lease deed read with Rule 62 (1) of the State Rules, 2012 and the Gram Panchayat had filed CWP No.28011 of 2017 in this Court. This Court by order dated 18.12.2017 disposed of the said writ petition and forwarded the application of the Gram Panchayat to the Deputy Commissioner, Charkhi Dadri for determination of compensation and who was further directed to determine the same and ensure release of the amount to the Gram Panchayat within one month. The Deputy Commissioner, Charkhi Dadri afforded opportunity of hearing vide order dated 30.01.2018 passed an agreed order by which the petitioner was directed to pay the compensation within 15 days and further pay the pending amount within 15 days and to further pay the compensation regularly. Since the petitioner did not pay the dues of the Panchayat the Director, Mines and Geology Department vide order dated 02.08.2018 again suspended the mining operations. The petitioner challenged that order by filing CWP

No.20069 of 2018 in this Court and obtained stay by order dated 31.08.2018 which was, however, vacated by this Court on 11.02.2019. Consequently, the mining operations were again suspended w.e.f. 12.02.2019.

3 In the meantime, an application for vacation of stay passed in the CWP No.13549 of 2018 was filed and this Court by an order dated 15.03.2019 granted to the petitioner one final opportunity to comply with the order dated 25.05.2018 within a period of one week from 15.03.2019, failing which the respondent was given the liberty to proceed in the matter unhindered. As they failed to deposit any dues the Director, Mines and Geology Department by order dated 06.05.2019 terminated the mining lease along with forfeiture of amount of security of Rs.9,96,62,500/-. As on the termination of lease they were in default of the dues of Rs.60,27,38,876/- as upto 30.04.2019. Aggrieved of that order they filed the appeal before the Appellate Authority-cum-Principal Secretary. The matter was heard by the Appellate Authority on various dates and on each date the petitioner had only asked for more time to make the pending dues. During the proceedings, the petitioner deposited an amount of Rs. 18,43,90,493/-. After noticing this the Director Mines and Geology Department held that the petitioner had shown his fair intention to clear the dues. He consequently set aside the order of termination of lease and decided that the remaining amount of Rs. 44,62,32,504/- alongwith interest of about 13.75 crores be paid in 12 equal instalments (alongwith concurrent dues) towards dead rent/royalty/R&R Fund and other dues as may be.

4 Mr. Mohan Jain, Senior Advocate for the petitioner has only prayed that some more leeway be granted to the petitioner on account of interest and grant of more time.

5 In the stark facts which have been outlined above, we are not persuaded to hold that the petitioner is entitled to any further relief, particularly when no jurisdictional irregularity or illegality has been pointed out in the impugned order.

6 Consequently, the petition stands dismissed.

7 Since the main case has been dismissed, the pending Misc. Application, if any, also stands dismissed.

( AJAY TEWARI )  
JUDGE

( RAJESH BHARDWAJ )  
JUDGE

01/02/2021

*pooja sharma-I*

Whether speaking/reasoned  
Whether Reportable :

Yes/No  
Yes/No