

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6816 of 2022

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Sujeet Kumar son of Balmiki Singh resident of Tola Prayag, Ward No. 7,
Barahiya, District Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
2. The Principal Secretary cum Mines Commissioner, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
3. The Director, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
4. The District Magistrate, Jamui.
5. The District Mining Officer, Jamui.
6. Bihar State Mining Corporation Limited through its General Manager, Room No. 164, Vikas Bhawan, (New Secretariat), Bailey Road, Patna 800015.
7. The Administrative Officer, Bihar State Mining Corporation Limited, Room No. 164, Vikas Bhawan, (New Secretariat), Bailey Road, Patna 800015.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Suraj Samdarshi, Advocate
For the Respondent/s : Mr.Gyan Prakash Ojha (GaA-7)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 21-06-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“i) To issue an appropriate writ , order or direction in the nature of certiorari for quashing letter no. 429 dated 25.01.2022 (Annexure 6) issued by the Respondent Administrative Officer, whereby the earnest money of Rs. 35,40,895/- deposited by the Petitioner for participating in e-auction of Cluster 25 sand ghats

in the district of Jamui in furtherance of tender beating reference no. 04/2021 - 22 dated 28.11.2011 floated by Bihar State Mining Corporation Limited, has been forfeited.

ii) To issue an appropriate writ, order or direction in the nature of mandamus commanding the Respondent Bihar State Mining Corporation to refund the earnest money of Rs. 35,40,895/- deposited by the Petitioner for participating in e-auction for Cluster 25 Sand Ghats in the district of Jamui in furtherance of Tender bearing reference no. 04/2021-22 dated 28.11.2021 floated by Bihar State Mining Corporation Limited. iii) This Hon'ble Court may further adjudicate and hold that the earnest money deposited for participating in a tender cannot be forfeited without issuance of an prior written show cause and without there being an express enabling provision in this regard in the tender document.

iv) To grant any other relief or reliefs which the Petitioner may be found entitled to in the facts and circumstances of the case.”

After the matter was heard for some time, finding the Bench not to be agreeable with the submissions made by learned counsel for the petitioner, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned i.e. **(Respondent No. 4, the District Magistrate, Jamui)** to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority

concerned shall consider and dispose it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of on the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its filing along with a copy of this order;

(c) The order assigning reasons shall be communicated to the petitioner;

(d) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(f) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available

in accordance with law;

(g) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(h) Liberty reserved to the petitioner to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;

(i) We have not expressed any opinion on merits. All issues are left open;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	