

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11128 of 2021

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M/s. Aditya Multicom Private Limited a Company incorporated under the provisions of the Companies Act, 1956 having its registered office at 12, Waterloo Street, 2nd Floor, Kolkata- 700069, through its Authorized Signatory, Pankaj Kumar Singh @ Pankaj Singh, aged about 29 years (male) son of Shri Murali Singh, resident of Village Balihar, P.O. Dullahpur, P.S. Simari, District Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner-Cum- Principal Secretary, Department of Mines and Geology, Government of Bihar, Vikas Bhawan, Bailey Road, Patna 800001.
2. The Principal Secretary cum Commissioner Mines, Department of Mines and Geology, Government of Bihar, Vikas Bhawan, Bailey Road, Patna 800001.
3. The Special Secretary cum Director, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
4. The Assistant Director, Department of Mines and Geology, Aurangabad.
5. The District Magistrate-cum- Collector, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi, Advocate
For the Respondent/s : Mr. Lalit Kishore, AG
Mr. Gyan Prakash, GA 2

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER



(Per: HONOURABLE THE CHIEF JUSTICE)

4 15-11-2022 Heard learned counsel for the parties.

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

i) For issuance of a writ, order or direction in the nature of mandamus commanding the Respondents to grant remission/refund in proportionate royalty for a period of six days during which period the generation of e-challans on the portal <http://portal.biharmines.in/> for transport of sand was suspended/blocked on account of delay in payment of first instalment of royalty for the extended period of six months i.e. from 01.04.2021 to 30.09.2021.

(ii) For issuance of a writ, order or direction in the nature of mandamus commanding the Respondents to grant remission/refund in proportionate royalty from 08.04.2021 to 13.04.2021

(iii) This Hon'ble Court may further adjudicate and hold that since the Respondent Authorities have levied interest for delayed payment in terms of Rule 29(B)(4) of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019 (hereinafter referred to as the "2019 Rules"), there was no justification for them to further penalize the petitioner by stopping/blocking the generation of e-challans.

(iv) This Hon'ble Court may adjudicate and hold that the action of the Respondent



Authorities in suspending/blocking the generation of e-challans on the portal <http://portal.biharmines.in/> and restricting the petitioner to sell sand for which the petitioner has already paid advance royalty, IS completely dehors the provisions of Rules, 2019, and thus completely illegal, arbitrary and non-est in the eyes of law.

(v) This Hon'ble Court may further adjudicate and hold that extreme measures likes suspending/blocking the generation of e-challans on the portal <http://portal.biharmines.in/>, if at all permissible, needs to be necessarily preceded by an express show cause notice and an opportunity of hearing in this regard.

(vi) This Hon'ble Court may further adjudicate and hold that the action of the Respondent Authorities in this matter is violative of the principle of natural justice inasmuch as neither any express show cause was issued to the petitioner nor a formal order in this regard has been passed by any authority.

(vii) To award any other relief or reliefs for which the petitioner is found entitled in the facts and the circumstances of the case.”

Learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to file a fresh petition on the same and subsequent cause of action with the outcome of the decision in S.L.P. (C) Diary No. 21886 of 2022



titled as The State of Bihar Vs. Aditya Multicom Pvt. Ltd.

Petition stands disposed of reserving liberty aforesaid.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Spd/-Sujit

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