

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11786 of 2022

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M/S Aditya Multicom Pvt. Ltd. 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 signing authority, Suwant Kumar, aged about 33 years, Gender- Male, Son of Tapeswar Singh, Resident of Saranarayan, Dariypur, Saran- 841101.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner-cum-Principal Secretary, Department of Mines and Geology, Government of Bihar, Vikash Bhawan, Baily Road, Patna 800001.
2. The Principal Secretary cum Commissioner Mines, Department of Mines and Geology, Government of Bihar, Vikash Bhawan, Baily Road, Patna 800001.
3. The Special Secretary cum Director, Mines and Geology Department, Government of Bihar, Vikash Bhawan, Baily Road, Patna.
4. The Assistant Director, Department of Mines and Geology, Rohtas, Sasaram.
5. The District Magistrate-cum-Collector, Rohtas Sasaram.
6. The Mining Development Officer, District Mining Office, Rohtas, Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jai Vardhan Narayan, Advocate
For the Respondent/s : Mr. Gyan Prakash Ojha (GA7)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 24-08-2022

Petitioner has prayed for the following reliefs:-

“(I) Issuance of directions, orders or writs in the nature of certiorari setting aside the letter bearing Letter No. 2082/M, Sasaram dated 08.07.2022 issued by the Mining Development Officer, Rohtas, Sasaram whereby and where under M/s Uma



Associate through Sri Anand Singh who had shown interest and the competent authority after having approved the aforesaid interest in regard to loading of the sand at K-License 09/21 had directed the aforesaid stakeholder M/S Uma Associate to deposit a sum of 2,44,16,000/- as value of the sand, 2% DMF amounting to Rs. 4,88,320, Income Tax in the tune of Rs. 5,02,970/- and a sum of Rs. 47,98,790/- against loading and unloading of the sand appertaining to license No. K/15/2021 situated at Sikaria and K/09/2021 situated at Darihat whereas the aforesaid stock of the sand belongs to the petitioner company with full rights and possession who had been given the work order pursuant to the auction and being the highest bidder and after completion of all the formalities as stipulated in the NIT and an agreement was executed on 21.04.2015 which was extended till 30.09.2021 and in terms of Rule 39 of the 2019 rules had also obtained K-license which is meant for storage of minor minerals beyond any lease hold area and the same had suffered the incidence of royalty which had already been paid by the petitioner company.

(II) Issuance of direction, order or writs in the nature of mandamus directing the respondent not to sell/alienate the sand stocked at K-license site K/15/2022 and K/9/2021 situated at Sikaria and Darihat respectively which belongs to the petitioner company with full rights and possession wherein in terms of Rule 39 of the 2019 rules the petitioner had also obtained K-license which is meant for



storage of minor minerals beyond any lease hold area and the same had suffered the incidence of royalty which had been paid by the petitioner company.

(III) Any other relief or reliefs for petitioner may be deemed entitled to.”

In our considered view, the present petition is totally misconceived for the petitioner can always move an appropriate application before the learned Arbitrator so appointed in terms of the judgment dated 09.03.2022 (page-48) in C.W.J.C. No. 11054 of 2021, titled as M/s. Aditya Multicom Private Limited Vs. The State of Bihar & Ors. and its analogous case.

Petition is dismissed.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Satyavrat Verma, J)

K.C.J./Kundan

AFR/NAFR	
CAV DATE	
Uploading Date	25.08.2022
Transmission Date	

