

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14879 of 2022

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M/S Arena Food and Agro Industries Pvt. Ltd. a company duly incorporated under the Indian Companies Act, 1956, having its registered office at Village Nimi, P.S. Shekhopur, District Nawada, through its Director, Mr. Radhey Sharma, aged about 47 years, Gender- Male, son of Srhi Harangi Singh, Resident of Village Nimi, P.S. Shekhopur, District Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Mines and Geology Department, Government of Bihar, Patna.
2. The Principal Secretary, Mines and Geology Department, Government of Bihar, Patna.
3. The Additional Secretary, Mines and Geology Department, Government of Bihar, Patna.
4. The Assistant Director, Mines and Geology Department, Government of Bihar, Patna.
5. The District Magistrate-cum-Collector, Sheikhpura.
6. The Miniral Development Officer, Sheikhpura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Singh, Sr. Advocate Mr. Nikhil Kumar Agrawal, Advocate Mr. Yash Sahay, Advocate
For the State	:	Mr. Gyan Prakash Ojha (GA-7)
For the Mines	:	Mr. Naresh Dikshit, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 02-11-2022

Petitioner has prayed for following relief (s):-

“1) To issue an appropriate writ/order/direction in the nature of Mandamus directing the Respondents to allow the Petitioner to carry out mining activity for 317 days as the Petitioner was precluded from conducting mining activity due to various reasons detailed in



paragraph 11 hereinbelow;

ii) To issue an appropriate writ/order/direction in the nature of Mandamus declaring that all the reasons due to which the Petitioner Company was precluded from carrying out the mining activity would be a force majeure event and would squarely fall within the ambit of Clause 5 of Part IX of the Agreement.

iii) To issue an appropriate writ/order/direction in the nature of Mandamus declaring that, since the Petitioner has deposited the entire royalty amount of Rs. 29 crore, it would amount to an just enrichment of Respondent State if permission for mining activity is not granted for 317 days as the Petitioner was precluded from mining activity due to reasons beyond its control;

iv) To issue an appropriate writ/order/direction in the nature of Mandamus directing the Respondents to allow the Petitioner to take out the minerals (approx 1,92,457.376 tonnes) which have been mined during the subsistence of the Lease Agreement but have not been allowed to be transported by the Respondent;

v) To any other relief or reliefs for which the Petitioner is found entitled to in the facts and circumstances of the case.”

Shri Naresh Dikshit, learned counsel for the respondents, states that respondent No. 2 namely The Principal Secretary, Mines and Geology Department, Government of Bihar, Patna shall positively take a decision on the petitioner's request dated 03.09.2022 (Annexure-6, page-68) within a period of four weeks from today.

Statement accepted and taken on record.



Shri Sanjay Singh, learned Senior Counsel appearing for the petitioner, states that there is yet another issue which the authority must take a call upon and that being grant of extension for lifting the sand already mined as stands permitted in relation to similarly situate persons.

Well, even this issue is left open to be raised before the authority and to be decided by the authority.

Petition is disposed of in the aforesaid terms.

Liberty reserved to the parties to take recourse to such other remedies as are otherwise available in accordance with law, should the need so arise subsequently.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	03.11.2022
Transmission Date	

