

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16378 of 2022

M/s Derby Mercantile Private Limited a Company incorporated under the provisions of the Companies Act, 1956 having its registered office at Divyalok Complex, East Boring Road, Patna- 800001 (Bihar), through its proprietor, Aftab Ansari, aged about 38 years, Gender- Male, son of Jalaludin Ansari, Resident of Village- Belaundi, Post- Belaundi, Mohania, Kaimur (Bhabhua), Bihar- 821109.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Mines and Geology Department, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
2. The Principal Secretary Department of Mines and Geology, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
3. The Special Secretary cum Director, Mines and Geology Department, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
4. The Assistant Director, Department of Mines and Geology, Bihar.
5. The District Magistrate, Bhojpur.
6. The Mining Development Officer, District Mining Office, Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Jai Vardhan Narayan, Advocate
For the Respondent/s : Mr.Gyan Prakash Ojha (GA 7)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

2 02-12-2022

The petitioner has prayed for the following relief/s :-

“Issuance of directions orders or writ in the nature of mandamus directing the respondents to forthwith pay the interest in the tune of 9% per annum for the delayed refund of the security deposit which was paid by the petitioner company for participating in the sand mining of Bhojpur



Ghat Cluster No-20 in the year 2019 and altogether a sum of Rs. 29,68,400 was deposited in the name of Mineral Development Officer, Mines & Geology Department, Aurangabad and aforesaid security deposit was refunded after lapse of more than 2 years on 18.2.2022 in utter violation of the terms and conditions and upon the repeated request by the petitioner company and as such the petitioner is entitled to get interest on the aforesaid security deposit as per the order dated 16.12.2021 passed by this Hon'ble Court in CWJC No. 2787 of 2020 whereby and where under interest at rate of 9% per annum had been ordered to be paid with the effect from the day the security amount were deposited till the date of payment specially considering the fact that the Respondent Mines Department has illegally and in an unjust manner retained the aforesaid amount deposited by the petitioner.

II. Any other relief or reliefs for petitioner may be deemed entitled to.”

It is submitted at the Bar that the judgment dated 16.12.2021 passed in C.W.J.C. No. 2787 of 2020, titled as Amarnath Singh Vs. The State of Bihar & Ors., (Annexure-3, page-17) has attained finality and, as such, petition can be disposed of with direction to respondent No. 3, namely, the Special Secretary-cum-Director, Mines and Geology Department, Government of Bihar, Patna to afford similar benefits to the petitioner as stands afforded to the petitioner in C.W.J.C. No. 2787 of 2020 (supra) for the petitioner is entitled to interest on the amount at the rate of 9% per annum.

While we dispose of the present petition, liberty



reserved to the petitioner to approach respondent No. 3, namely, the Special Secretary-cum-Director, Mines and Geology Department, Government of Bihar, Patna venting out all grievances, including the ones agitated through communication dated Nil (Annexure-2, page-15).

Surely, the officer shall consider the applicability of the decision rendered in C.W.J.C. No. 2787 of 2020 (supra) and take a decision in accordance with law.

Needful be positively done within a period of three months from the date of production of a copy of the order.

We clarify that all issues of fact and law are left open to be considered by the said respondent.

Also, liberty reserved to agitate the grievances, should the need so arise.

Petition is disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Ashwini/K.C.Jha

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