

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16605 of 2022

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Bharat Ratna Pandey son of Ravi Shankar Pandey, resident of Mohalla-
Katira, Friends Colony, Ara, Police Station- Nawada Ara, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Mines Department, Govt of Bihar, Patna.
3. The Bihar State Mining Corporation Limited through its Chairman, Vikas Bhawan, Bailey Road, Patna- 800015.
4. The Chairman, Bihar State Mining Corporation Limited, Vikas Bhawan, Bailey Road, Patna- 800015.
5. The Director Mines cum Chief Executive Officer, Bihar State Mining Corporation Limited, Vikas Bhawan, Bailey Road, Patna- 800015.
6. The General Manager, Bihar State Mining Corporation Limited, Vikas Bhawan, Bailey Road, Patna- 800015.
7. The Administrative Officer, Bihar State Mining Corporation Limited, Vikas Bhawan, Bailey Road, Patna- 800015.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, Sr. Advocate Mr. Makardhwaj Upadhyay, Advocate
For the Respondent/s	:	Mrs. Kumari Amrita, GP-3 Mr. Naresh Dikshit, Spl. P.P., Mines

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 07-12-2022

Heard learned counsel for the parties.

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

- i) Issuance of an appropriate writ including a writ in the nature of writ of certiorari quashing the order dated 26.09.2022 passed by the Director Mines cum



Chief Executive Officer, Bihar State Mining Corporation Limited (respondent No.5) communicated vide memo No. 08/AIQ-183/12:2047 dated 26.09.2022 by the Administrative Officer, Bihar State Mining Corporation Limited (respondent No.7) as contained in Annexure-9 whereby and whereunder the respondent has illegally and erroneously imposed a penalty of Rs.5011150.00 under Rule 56 of Mining Rule 2019 and has illegally ordered for adjusting it from the security deposit of Rs.8154820.00 of the petitioner lying with the respondents.

- ii) Issuance of an appropriate writ including the writ in the nature of writ of mandamus commanding the respondents to forthwith renew the contract of the petitioner for three months (approximately) as per order issued by the B.S.M.C. Ltd. Dated 17.10.2022 (Annexure-10) in terms of the Hon'ble Supreme Court order dated 26.09.2022 for the period 01.10.2022 to 25.12.2022 for operating the Balu Ghats as it was being operated by depositing proportionate amount of the tender, and for which the petitioner is ready to deposit and on such deposit the respondent be directed to accept it and permit the petitioner to operate.



- iii) Issuance of any such other relief or reliefs for which the petitioner is found to be legally entitled in the facts and circumstances of this case.

Shri Rajendra Narayan, learned senior counsel states that similarly situated persons stand granted extension for a period of three months.

Shri Naresh Dikshit, learned Special Public Prosecutor (Mines), states that the question of extension shall be considered and examined by the Director, Mines cum Chief Executive Officer, Bihar State Mining Corporation Limited, Vikas Bhawan, Bailey Road, Patna and appropriate decision taken thereupon within next two weeks.

We clarify that all questions of fact and law are left open for the authority to take a decision thereupon.

We are not relegating the petitioner to seek appropriate remedy by way of appeal only for the reason that he alleges discrimination qua other lessees.

The instant petition stands disposed of in the aforesaid terms, reserving liberty to the petitioner to take such remedies as are 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)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	08.12.2022
Transmission Date	

