

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 6936 of 2022

Bharat Chandra Bhuyan

.....

Petitioner

Mr. G. N. Padhi, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. P.P. Mohanty, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

21.04.2022

Order No.

02.

This matter is taken up through hybrid mode.

2. Heard Mr. G. N. Padhi, learned counsel appearing for the petitioner and Mr. P.P. Mohanty, learned Additional Government Advocate appearing for the State.

3. The petitioner has filed this writ petition challenging the order dated 25.03.2021 under Annexure-5, passed by the Collector, Cuttack in compliance to the order dated 20.12.2019 passed in W.P.(C) No. 27190 of 2019, whereby this Court had directed to consider the representation of the petitioner dated 17.12.2019 pending before him.

4. Mr. Padhi, learned counsel for the petitioner emphatically submitted that the petitioner was the successful bidder in sand sairat case 72/2012-13 of Sidhua R/S Baulakuda Sairat Source. He had deposited Rs.80,000/- as against the bid amount of Rs.2,03,500/- and had spent Rs.12,90,300/- towards development of the road connecting to the sairat source. Keeping in view the order dated 20.12.2019 and the circular of Government in R& DM Department No. MM-57/2015-26940/R&DM dated 19.09.2015, he may be permitted to execute the lease agreement for operation of sand quarry in respect of Sidhua R/S Baulakuda Sairat Source after adjusting the deposited amount in terms and conditions, according to the new guidelines of OMMC

(Amendment) Rule, 2014, since he had never prayed before this Court nor before the Collector, Cuttack for refund of the bid amount.

5. Mr. P.P. Mohanty, learned Additional Government Advocated contended that the lease was for the year 2012-13. The petitioner had deposited Rs.80,000/- as against bid amount of Rs.2,03,500/-. Being successful bidder, he had not complied with his part of the conditions of the contract. Therefore, the claim made by him at this stage that he may be permitted to execute the lease agreement for operation of sand quarry in question cannot have any justification, since in the meantime the Rule has been amended. In view of the amended rule, the petitioner cannot claim that he may be allowed to continue for one year by adjusting the bid amount, after lapse of more than 9 years. Thereby, he seeks for dismissal of the writ petition.

6. Having heard learned counsel for the parties and after going through the record, it appears, a report has been submitted by ADM on 25.03.2021, wherein it has been opined that the Odisha Minor Mineral (Amendment) Rule 2014 came into force on 16.09.2014, where the concept of Mining Plan and EC were introduced for the first time. To avoid difficulties faced by auction purchasers in respect of Minor Mineral sources, which had been put to auction prior to coming into force of the amended rule of 2014, but could not be operationalised during the same financial year due to want of Mining Plan/Environmental Clearance. The Government in Revenue Department had brought out a Circular on 19.09.2015 allowing the auction purchasers to operate the sources for one year from the date of obtaining EC of the source. So the said circular is not applicable in case of the petitioner because the aforesaid source was settled in the year 2012-13 where there was no concept of mining plan and environmental clearance. Therefore, the claim made by the petitioner to allow him to operate for one year was rejected. As such, the Collector has also

directed for refund of Rs.80,000/- to the petitioner, which has been deposited by him as against bid amount of Rs.2,03,500/-.

7. In view of the above, this Court finds no error apparent on the face of the order of the Collector, Cuttack dated 25.03.2021 warranting any interference.

8. Thus, the writ petition merits no consideration and the same stands dismissed accordingly.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE

Arun/Puspa

