

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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Civil Writ Petition No.11759 of 2019

Date of Decision: August 17th, 2022

Amardeep Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ALOK JAIN**

Present: Mr. Naresh Jain, Advocate
for the petitioner.

Ms. Monica Chhibber Sharma, Sr. Deputy Advocate General,
Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Learned counsel for the petitioner has brought to the notice of this Court the order dated 06.05.2019 passed in this writ petition when notice of motion was issued. The same reads as follows:-

“Petitioner states that he was successful in open auction for mining an area and letter of intent was issued to him on 7.7.2017, pursuant to which he got his environmental clearance on 27.12.2017. Thereafter, reassessment was made of the area available for mining and on 19.6.2018 report was submitted indicating that area set up for auction was far more than the one available area for mining. Another assessment was made which also showed area available for mining was far less than the one promised during auction. During this interregnum the permission granted by the Government of India expired in June, 2018 and the petitioner is now unwilling to mine the area because of the afore-stated reasons. Besides he would be required to obtain fresh environmental clearance which is not feasible. Looking at these factors cumulatively, petitioner made a representation to the respondents for surrender of the mine and refund of auction security amount alongwith interest, which has still not been decided.

Notice of motion for 15.5.2019.”

Counsel for the petitioner contends that the case of the petitioner would

be covered by the judgment passed by this Court in *CWP No.12629 of 2019* titled as *Kanwaljeet Singh Gill Versus State of Punjab and others* decided on 05.05.2022 (Annexure A-1), in which on similar facts and circumstances and relating to the same report, the security amount along with interest of 6% per annum from the date of deposit till the date of realization within two months from the date of receipt of the order has been ordered. He contends that the petitioner would be satisfied with the same relief.

Learned counsel for the State, on the other hand, asserts that although the factual aspect with regard to the area being less and the report is not disputed, however, there has been delay on the part of the petitioner in starting the process of excavation, therefore, the said judgment would not be applicable to the case of the petitioner.

Having considered the submissions made by the counsel for the parties and on going through the factual aspects, as have been highlighted in the writ petition and the reply, we are of the considered view that the case of the petitioner is covered by the judgment passed by this Court in Kanwaljeet Singh Gill's case (*supra*) and, therefore, petitioner be refunded the amount of security along with interest at the rate of 6% per annum from the date of deposit till the date of realization within a period of two months from the date of receipt of copy of this order.

The writ petition stands disposed of accordingly.

(AUGUSTINE GEORGE MASIH)
JUDGE

August 17th, 2022
Puneet

(ALOK JAIN)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No