

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

(109)

CWP-23420-2022 (O&M).
Date of Decision:-18.10.2022.

M/s Mahadev Enclave Pvt. Ltd.

.....Petitioner

Versus

State of Punjab and others

.....Respondent

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

Present: Mr. Gurminder Singh, Senior Advocate with
Mr. R.P.S. Bara, Advocate for the petitioner.

Mr. Paramjit Batta, Additional A.G., Punjab and
Mr. Avinit Avasthi, AAG, Punjab.

AUGUSTINE GEORGE MASIH, J. (Oral)

CM-16538-CWP-2022

Prayer in this application is for preponing the date of hearing of the main case.

For the reasons mentioned in the application, the same is allowed.

Main case is taken up on Board for disposal today itself.

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Learned State counsel, in pursuance to the order dated 12.10.2022 passed by this Court, has placed on record the order dated 17.10.2022 passed by the Executive Engineer /Drainage-cum- District Mining Officer, Ludhiana, vide which the notice of termination of contract for Mining Block-2 vide letter dated 06.10.2022 (Annexure P-28) stands withdrawn.

We have observed that these types of orders terminating the contract for mining, as granted to the contractors, are being passed without following the procedure, as has been laid down under the Punjab Minor and Mineral Rules, 2013 and Mines and Minerals (Development & Regulation) Act, 1957. A detailed order has also been passed in this regard.

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Mr. Batta, learned State counsel, has assured the Court that the said aspect has already been conveyed to the concerned authorities and further states that it shall be seen that the procedure in accordance with law is followed in future.

Learned Senior counsel for the petitioner has made reference to prayer (iv) in the writ petition, where a writ in the nature of *mandamus* directing the respondent-Department to raise the demand only for such quantity of material for which the Environmental Clearance has been transferred to the petitioner and/or for the minor minerals which have been made available to him. The demand raised beyond the same is being sought to be pointed out. Learned Senior counsel contends that he would make a comprehensive representation in this regard detailing therein the various amounts already paid and the material made available.

In the light of the above, in case such a representation is submitted by the petitioner within a period of one week, the same be considered and a decision taken thereon within a period of four weeks.

Petition stands disposed of accordingly.

(AUGUSTINE GEORGE MASIH)
JUDGE

(ALOK JAIN)
JUDGE

October 18, 2022.

Sandeep

Whether speaking/reasoned:- Yes/No

Whether Reportable:- Yes/No