

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

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Civil Writ Petition No.24144 of 2022
Date of Decision: October 31st, 2022

Prime Vision Industries Pvt. Ltd.

...Petitioner

Versus

State of Punjab and others

...Respondents

**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. Avinit Avasthi, Assistant Advocate General, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

In this writ petition, challenge is to the order dated 23.09.2022 (Annexure P-46) passed by the Director-cum-Special Secretary, Department of Mines & Geology, Government of Punjab-respondent No.3, whereby the mining contract which was granted to the petitioner has summarily been terminated in violation of the provisions of Rule 68 of the Punjab Minor Mineral Rules, 2013 and it has also been asserted that the principle of natural justice has also not been complied with.

Counsel for the parties and in fact, the learned Assistant Advocate General, Punjab, has informed the Court that realizing the mistake with regard to the provisions of the statute having not been complied with, especially Rule 68 of the Punjab Minor Mineral Rules, 2013, the impugned order dated 23.09.2022 (Annexure P-46) stands withdrawn vide order dated 26.10.2022. He contends that the said order of withdrawal of the termination at the end of the competent authority may be taken as an aberration on the part of the said officer and also assures that it would not happen in future as the provisions of the statute would be complied with in letter and

spirit.

We, having considered the submissions, as have been made by the counsel for the State, are not inclined to accept it at the face value as on the earlier two occasions when similar matters had come up before this Court, reference to the provisions of the statute in relation to Rule 68 of the Punjab Minor Mineral Rules, 2013 and the mandate thereunder had been detailed and explained. Vide order dated 15.09.2022 (Annexure P-43), this Court had clarified the position and further mentioned the aspect with regard to non-compliance of the statutory provisions. Not only this, it was made clear that the official should be careful in future while passing such orders but unfortunately the said word of caution has not really had its effect as subsequent thereto, the same competent authority had proceeded to pass an order dated 23.09.2022 (Annexure P-46) again in violation of the provisions of Rule 68 of the Punjab Minor Mineral Rules, 2013 making the same mistake as was earlier committed. Since the impugned order has been withdrawn, the present writ petition has been rendered infructuous but we impose costs of ₹50,000/- to be paid to the petitioner within a period of one week from today.

As regards the order of suspension, which has been passed by the competent authority which is based upon the same reasoning which has been assigned in the impugned order dated 23.09.2022 while terminating the contract, the competent authority is directed to take a call on the same within a period of one week.

The writ petition stands disposed of with above observations.

(AUGUSTINE GEORGE MASIH)
JUDGE

October 31st, 2022
Puneet

(ALOK JAIN)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No