

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(111)

CWP-25910-2022

Date of Decision : 15.11.2022

M/S SRI HANS ENTERPRISES

... Petitioner

VS

STATE OF HARYANA AND ORS

... Respondents

CORAM : HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Chetan Mittal, Advocate
with Mr. Kunal Mulwani
for the petitioner.

Mr. Parvinder S. Chauhan, Sr. Addl. A.G., Haryana.

AUGUSTINE GEORGE MASIH, J (ORAL)

Petitioner has approached this Court highlighting therein the flagrant violation and high handedness on the part of the respondent while not following the OTS Policy dated 03.11.2021 as respondent No.6-Jai Karan son of Om Parkash has been granted and permitted to continue the mining contract after reducing the annual contract money by 78.57% without any enhancement in terms of the previous annual contract money and extending the contract for another five years which is not permissible under the OTS Policy.

It has been pointed out that the OTS Policy dated 03.11.2021, one of the major conditions for its applicability was that the contract amount shall not be reduced more than 50% irrespective of the reduction of the area permissible under the mining contract. The violation as has been committed by the respondent is apparent from the order which has been passed by the Appellate Authority which has virtually given a direction to the subordinate authority to proceed to violate the OTS Policy. The said benefit is being claimed by the petitioner as well as he would also be entitled to the said benefit as has been granted to the respondent No.6.

Before proceeding in the matter any further, we deem it appropriate to dispose of the writ petition by directing the Additional Chief Secretary to Government of Haryana, Mines & Geology Department, Haryana-respondent No.3 to consider and decide the representation of the petitioner dated 28.09.2022 (Annexure P-15) which is followed by a reminder dated 19.10.2022 (Annexure P-16) within a period of eight weeks from today. It goes without saying that the Additional Chief Secretary to Government of Haryana, Mines & Geology Department, Haryana-respondent No.3 shall proceed to pass an appropriate order keeping in view the points as has been raised by the petitioner in the representation by passing a speaking order.

The decision so taken be conveyed to the petition forthwith.

(AUGUSTINE GEORGE MASIH)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

15.11.2022

Hemant

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No