

CWP No.29320 of 2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.29320 of 2022

Date of decision : 19.12.2022

Surjit Singh

.....Petitioner

VERSUS

State of Punjab and others

....Respondents

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

Present: Mr. Lakhwinder Singh Mann, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this writ petition is to the order dated 12.12.2022 (Annexure P-12) passed by the Chief Engineer, Mining Department, Department of Mines and Geology, Punjab – respondent No.3, whereby the representation submitted by the petitioner, dated 03.11.2022 (Annexure P-7), which was ordered by this Court to be decided vide order dated 05.12.2022 (Annexure P-11), stands rejected.

It is the contention of the learned counsel for the petitioner that unless it is indicated that he could extract the total amount which he could have as per the contract extracted, the petitioner could not have extracted the minor minerals in the allotted block. He contends that initially, because of the COVID-19 pandemic and the lockdown which had taken place, petitioner approached this Court by way of a writ petition i.e. CWP No.7926 of 2020, which was decided by this Court on 30.10.2020 (Annexure P-4). The grievance, which was highlighted therein, was with regard to the period for

which the mining could not be made operational leading to non-extraction of the minor minerals. A *mandamus* was sought not to charge for three months installment from the petitioner for the period April, 2020 to June, 2020 and it is, in this context, the petitioner had approached this Court with such grievance. The said writ petition was disposed of as referred to above on 30.10.2020 when the following order was passed:-

“By this petition, the petitioner has challenged the action of the respondents in claiming the three months advance installments of lease money for the mining operation.

Today, it has been agreed that the petitioner will deposit an outstanding amount on or before 1.12.2020 in four equal weekly installments starting from 9.11.2020.

Counsel for the respondents has further stated that as a general measure all such contracts will be extended for 52 days (duration of the lockdown).

However, it is made clear that in the event of any default, the respondents would be at liberty to take action as per law.

In this view of the matter, the petition stands disposed of.

Since the main case has been decided, the pending miscellaneous application, if any, also stands disposed of.”

Perusal of the above order would indicate that the grievance as regards the petitioner was, therefore, taken note of earlier qua the period and he was granted extension for the period of 52 days treating that period to be non-operational for mining due to the national lockdown. Order dated 09.12.2020 (Annexure P-5) had been passed, which protected and entitled the petitioner to extract the amount agreed to as per the initial mining contract.

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Nothing has been indicated which would show that there was any impediment with regard to the extraction of the said quantity of minerals. The only plea which has been sought to be projected by the counsel for the petitioner is that in the portal of extraction of the minor minerals, the said amount of minor minerals was not reflected.

This contention of the learned counsel for the petitioner cannot be accepted as the impugned order dated 12.12.2022 (Annexure P-12) clearly mentions that there was no impediment at the hand of the petitioner for non-excavating the full allotted permitted quantity of the minor minerals. Since the petitioner has himself failed to extract the quantity as allotted to him, he cannot now, after the expiry of extended period of 52 days as granted to him and beyond the period of contract, be permitted to lift the remaining quantity for the allotted site. The rejection of the claim of the petitioner by the Chief Engineer, Mining Department, Department of Mines and Geology, Punjab – respondent No.3 vide impugned order dated 12.12.2022 (Annexure P-12), thus, cannot be faulted with.

Finding no merit in the present writ petition, the same stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

19.12.2022
Harish

(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No