

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3772 of 2023

M/s BSCPL Infrastructure Ltd. having its registered office At 8-2, 502/1/A, JIVI Towers, Road No. 7, Banjara Hills Hyderabad- 500034, having its Regional Office At New Bypass Road, Patna- Bakhtiyarpur Road NH- 30, Village- Daulatpur, P.O.- Garhuchak, P.S.- Fatuha, District- Patna, represented through its Authorised Signatory namely, Sri Maganti Venkateswarlu, aged about 66 years (Male), son of Late Maganti Seetharamaiah, resident At 7th Street, Anuradha Apartment, Flat No. 2A, Near Water Tank, Netaji Nagar Podalakur Road, P.S.- Andhrakeshri Nagar, District- Nellore, Andhrakeshri Nagar, Andhra Pradesh- 524004.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar.
2. The Additional Secretary-cum- Mines and Geology Department, Government of Bihar, Vikas Bhawan, Patna.
3. The Principal Secretary, Environment and Forest Department, Government of Bihar, Patna.
4. The District Magistrate, Nawada.
5. The Deputy Director, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Patna.
6. The Assistant Director, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Patna.
7. The District Mining Officer Nawada, District- Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Advocate Mr. Anil Singh, Advocate Mr. Pranav Kumar, Advocate Ms. Shrishti Singh, Advocate
For the State	:	Mr. Gyan Prakash Ojha, GA 7 Mr. Uday Shankar Pandey, AC to GA 7
For the Mines	:	Mr. Naresh Dixit, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 20-07-2023 Heard Mr. Y.V. Giri, learned Senior Counsel for the

petitioner and Mr. Naresh Dixit, learned Spl. P.P. Mines who

represent the respondents.



The present petition has been preferred for the following reliefs:-

(i) to issue a writ/order/ direction in the nature of mandamus commanding the respondent Mines Department to extend the lease period for lease Block no. 6, Khata No. 1603, Plot No. 5513, Area 12.36 Acre, Mauza-Rajauli, District-Nawada against 33,60,000 MT or to allot any alternate quarry for the period that the petitioner was not/ has not been allowed to operate the quarry for completion of the road projects awarded by the State and Central Government under Bihar State Road Development Corporation and National Highway Authority of NHAI;

(ii) to issue a writ/order/ direction in the nature of mandamus commanding the respondents to allow the excavation of 32,14,175 MT from the Block no. 6, Khata No. 1603, Plot No. 5513, Area - 12.36 Acre, Mauza-Rajauli, District-Nawada for completion of the road projects awarded by the State and Central Government, which is pending after the deposit of the bid amount of Rs. 5,76,00,000/- (Rupees Five Crores Seventy-Six Lacs).

(iii) to issue a writ/ order/ direction in the nature of mandamus commanding the respondents to refund the



remaining bid amount after deducting consideration equivalent to 1,45,825 MT from the quarry of Block no. 6, Khata No. 1603, Plot No. 5513, Area -12.36 Acre, Mauza-Rajauli, District-Nawada;

(iv) to issue a writ/ order/ direction in the nature of mandamus commanding the respondents to extend the lease period by 360 days from the date of expiry of lease in the same regime for mining from Block no. 6, Khata No. 1603, Plot No. 5513, Area-12.36 Acre, Mauza-Rajauli, District- Nawada against the balance quantity of mining i.e., 32,14,175 MT for completion of Bihta - Sarmera, Bakhtiyarpur - Mokama and Jainagar -Narhaiya road projects.

Learned Senior Counsel with the help of Annexure 2 to the writ petition submits that an Indenture was signed between the parties on 18.09.2017 for a period of five years beginning 18.09.2017 to 17.09.2022 for Plot No. 5514 Block No. 06 (Area 12.36 acre) in Rajauli under the district Nawada.

It is his further submission that he could operate only upto 23.07.2021 whereafter pursuant to certain orders of the Court, the State Government ordered closure of all mining activities and there is no dispute about it.

He as such, submits that from July, 2021 uptill



17.09.2022, he could not operate.

However, he diligently deposited the entire amount of Rs. 5,76,00,000/- as per the Indenture.

In the aforesaid background, it is his submission that either the lease should have been extended for the period he has suffered and/or he should have been compensated for the said period as it is his reiteration that the entire payment has been made.

A representation was preferred before the Additional Chief Secretary cum Mines Commissioner, Mines and Geology Department, Bihar, Patna on 15.07.2022 (Annexure 7 to the petition) which according to him is still pending.

Mr. Naresh Dixit, learned Spl. P.P. Mines has taken this Court to paragraph 12 of the counter affidavit stating the reason for stopping all the mining continuity on the site which read as follows:-

“12. That this Hon'ble court while hearing a Public Interest Litigation bearing C.W.J.C. No.9591 of 2021 (Vinoy Kumar Singh vs. State of Bihar & Ors), has passed orders restraining the mining activity on the site. That again vide order dated 12.09.22 this Hon'ble court has directed the interim order dated 20.07.21 to continue and at



present the aforesaid writ petition is pending for adjudication.”

It has been further recorded in paragraph 13 that the prayer for extension of mining work is contrary to the direction of the Hon'ble Division Bench.

However, Mr. Dixit submits that the representation dated 15.07.2022 will be taken note of and both the prayer of the petitioner shall be duly considered and a reasoned order will be passed within a period of four weeks.

Mr. Y.V. Giri, learned Senior Counsel submits that he will be submitting additional representation in line with the earlier representation dated 15.07.2022 incorporating all the leftover facts.

The petitioner pursuant to the lease deed for a period of five years diligently paid Rs. 5,76,00,000/- and when the mining work was stopped in July, 2021, it was duty of the State Government to take necessary steps and in case, the period of lease lapsed to compensate the petitioner/refund the amount. It failed to do so and even after the petitioner preferred representation on 15.07.2022, it just kept the said representation aside inasmuch as even after lapse of one year, it is not the case in the counter affidavit that the representation has been decided.



This forced the petitioner to move before this Court in CWJC No. 3772 of 2023.

In the aforesaid circumstance, the petitioner is entitled to a cost of Rs. 10,000/- to be paid to him by the respondents within a period of four weeks from today.

The representation dated 15.07.2022 as also any fresh representation shall be taken note of and will be decided in next four weeks in accordance with law.

The writ petition stands disposed of.

(Rajiv Roy, J)

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