

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12730 of 2023

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Sudhesh Kumar @ Chanchal Kumar Son of Mahesh Prasad Singh Resident of
29, Singhaul House, Near Mahavir Sthan, Lakhibagh, Police Station- Muffasil
and District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Mines and Mineral Department, Government of Bihar, Patna.
2. The Director, Mines and Mineral Department, Government of Bihar, Patna.
3. The Secretary, Mines and Mineral Department, Government of Bihar, Patna.
4. Senior Additional Collector-cum-Incharge District Mining Officer, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Aryan Singh, Advocate
For the Respondent/s	:	Mr. Gyan Prakash Ojha (GA-7)
For the Mines	:	Mr. Naresh Diskhit, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 12-10-2023

Heard Mr. Aryan Singh, learned counsel appearing on
behalf of the petitioner and Mr. Naresh Dikshit, learned spl. P.P.
for the Mines.

2. The petitioner claimed to be an authorized license
holder, bearing no. 114 of 2003 issued by the Mining Department
on 31.08.2003, for storage and sale of stone chips, has preferred
the present writ petition assailing the order/notice contained in
letter no. 1344 dated 31.05.2023, issued by the Senior Additional
Collector-cum-Incharge District Mining Office, Gaya (respondent
no. 4), whereby a penalty of Rs. 1,82,56,500/- (Rs. One Crore
Eighty Two Lakhs Fifty Six Thousand and Five Hundred) has been



imposed on the petitioner after having found his stone crusher unit operative, despite the non renewal of the license bearing registration no. 114 of 2023. The petitioner has further been directed to ensure the stoppage of stone crusher unit with immediate effect.

3. The short matrix of the case as submitted on behalf of the petitioner is that having been granted license in the year 2003, to be more specific on 31.08.2003 as contained in Annexure-1 *vide* license no. 114 of 2003, the petitioner started his unit of crushing and storing of stone chips as per the guidelines issued by the authorities. The petitioner, as per the terms for renewal, has been continuously depositing the renewal amount every year in the State Bank of India and accordingly his license was being renewed by the Mining Department. It would be worth noted that the petitioner has also obtained license from Factory Inspection Department, Labour Resources for doing business of stone chips, apart from the no objection from the Bihar State Pollution Control Board.

4. The petitioner was also granted facility for online prepaid challan and accordingly he started preparing E-challan and his ID number was generated as 1002830408. After payment of renewal amount, the prepaid E-challan has been issued in favour of the petitioner for the year 2018-2021 and as per the direction of



the Mining Department, the renewal amount is being deposited through OGRAS. The petitioner also deposited the renewal amount of the year 2023 through online along with all the required documents and amount of renewal of the license. It is categorically asserted that on 27.12.2022, the petitioner deposited Rs. 5000/- for renewal of his license in the State Bank of India, Manpur and requested to renew his license for the year 2023.

5. To the utter shock and dismay, despite having deposited the amount of renewal of license, the impugned order/notice dated 31.05.2023 came to be issued with an imputation that the petitioner without renewal of his license operating the stone crusher unit, thus a penalty of Rs. 1,82,56,500/- has been imposed and further directed to stop the operation of the unit with immediate effect. While assailing the aforesaid order, it is submitted that the aforesaid notice/letter has been issued imposing a penalty of huge sum of amount without any show cause notice or any opportunity of being heard on the basis of the inspection done behind his back and without verification of the fact that the petitioner has already deposited the fee for renewal of license much within the prescribed period. He further submits that notice imposing penalty and directing for stoppage of stone crusher unit, causing irreparable loss and injury apart from prejudice to the right and entitlement without even a



show cause is contrary to all settled principle of law. He next submitted that on being aggrieved, the petitioner also filed detailed representations, but the same has not been considered and the respondent authorities are insisting upon payment of the penalty.

6. On the other hand, Mr. Dikshit, learned spl. P.P. for the Mines, while drawing the attention of this Court to the impugned notice dated 31.05.2023, has submitted the impugned order is issued by way of notice, in response thereto the petitioner was at liberty to ensure his appearance before the respondent no. 4 with his explanation so that the authority can consider his explanation and dispose of the same.

7. Considering the nature of the grievance and tenure of the letter/notice dated 31.05.2023 as also the submission advanced on behalf of the parties, this Court deems it proper to dispose of the present writ petition directing the respondent no. 4 to dispose of the explanation/representation of the petitioner as contained in Annexures-8 & 9 to the writ petition.

8. At this stage, learned counsel for the petitioner seeks liberty to file fresh representation along with the copy of the order of the Hon'ble Court.

9. For better appreciation and in the ends of justice, this Court directs the petitioner to file a fresh representation before the respondent no. 4 within a period of two weeks. If such a



representation is filed within the stipulated period, the respondent no. 4 shall dispose of the same within a period of four weeks thereafter. Till such time, no coercive action shall be taken in respect to the penalty in furtherance of impugned letter/notice dated 31.05.2023, as indicated above.

10. Accordingly, the present writ petition stands disposed of.

(Harish Kumar, J)

shoaib/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.10.2023.
Transmission Date	NA

