

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16486 of 2022

Mr. Aman Sethi S/o late Shri Som Prakash Sethi having Office at Plot No. 182, Phase IV, Udyog Vihar, P.S. Udyog Vihar, Sector- 18, P.O. Udyog Vihar, Phase IV, Gurgaon (Haryana) - 122015 and Residence at S-541, P.S.- C.R. Park and P.O.- Greater Kailash-II, Greater Kailash- II, New Delhi- 110048 Through Power of Attorney Holder Ramesh Prasad Singh, male, aged about 55 years approximately, Son of Sh. Ramyash Singh, Resident of Kanti Niwas, Batkhara Office, Shitla Mandir, Chiragora, P.O. and P.S.- Hirapur, District-Dhanbad, State- Jharkhand currently Residing at Road No. 7 (Late House) East Patel Nagar, Near Gandhi Murti, Patna- 800023, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Mines and Geology Department, Government of Bihar, Patna.
2. The Secretary, Mines and Geology Department, Government of Bihar, Patna.
3. The Director, Mines and Geology Department, Government of Bihar, Patna.
4. The Divisional Commissioner, Gaya Division, Gaya.
5. The Deputy Director, Mines and Geology, Magadh Circle, Gaya.
6. The District Magistrate-cum-Collector, Sheikhpura.
7. The Assistant Director, Mines, Sheikhpura.
8. The Mineral Development Officer, Sheikhpura.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sriram Krishna, Advocate
For the Respondent/s	:	Mr.Gyan Prakash Ojha, GA-7
For the Mines	:	Mr. Utsav Anand, J.C. to Special P.P. Mines

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 10-08-2023 Heard Mr. Sriram Krishna, learned counsel for the petitioner and Mr. Utsav Anand, learned J.C. to Special P.P. Mines.

2. The prayer is for issuance of an appropriate Writ(s),
Order(s) or Direction(s) to the respondent authorities:

i) to grant No Objection



Certificate/No dues Certificate pertaining to Plot No. 1030 (P), 1032 (P), area - 13 acre, Pathar Bhukhand Sankhya - 06, District Sheikhpura so that the petitioner may participate in the Tender process i.e. uploading of documents and submission of processing fees dated 21.11.2022;

ii) to issue an appropriate Writ(s), Order(s) or Direction(s) to the respondent authorities for quashing of letter dated 03.06.2022 contained in Letter No. 615/Mining, Sheikhpura whereby an unlawful demand in contravention of Rule 56 of the Bihar Minerals [(Concessions, Prevention of Illegal Mining, Transportation and Storage) Rules 2019 (herein after referred to as the Mineral Concessions Rules)];

iii) to issue an appropriate Writ(s), Order(s) or Direction(s) to the respondent authorities for quashing of the letter dated 08.10.2022 contained in Letter No.



1231/Mining, Sheikhpura demanding payment of interest amount of 26,43,294 for delay in payment of additional royalty as per Rule22(3) of Bihar Mineral(Concessions, Prevention of Illegal Mining, Transpotation and Storage) Rules 2019 and clause 36 of part VII of the lease agreement;

iv) to issue an appropriate Writ(s), Order(s) or Direction(s) to the respondent authorities to quash the letter dated 8.10.2022 contained in letter no. 615/Mining Sheikhpura, as interest can only be levied in case of default as it is compensatory in nature and since there is no default on the part of the petitioner there is no question of an interest being levied;

v) to pass any other appropriate Writ(s), Order(s), or Direction(s) that this Hon'ble Court may deem fit on the facts and in the circumstances of the case.

3. It has been submitted by learned counsel for the petitioner that the lease period was for 05.06.2017 to 04.06.2022



and he was working to the full satisfaction of the respondents.

4. However, just two days before the lease period was coming to an end i.e. on 02-06-2022, a surprise inspection was done followed by the letter no.615 dated 03.06.2022 issued by the District Mining Officer, Sheikhpura directing them that there has been some illegal mining/removal of stone chips causing loss to the government and as such fine/interest amount was to be paid. (Annexure-2 to the petition)

5. It is the case of the learned counsel that vide letter dated 21.06.2022, a detailed reply was sent to the Mineral Development Officer, Sheikhpura (Annexure-4 to the petition).

6. He submits that the communication continued but finally vide letter no.1231 dated 08.10.2022, the District Mining Officer, Sheikhpura passed another order detailing out payment that has to made by the petitioner.

7. It is his submission that so far as the out of six head under which payment has been sought, it has no problem with regard to serial no.1,2 & 5. So far as the direction given for payment relating to seizure no.3,4 and 6 are concerned which relates to interest, income tax details as also the fine, he is ready to convince the respondent authorities through the documents that he has under his belt that he has acted bonafidely.



8. Learned JC to Special P.P. Mines submits that after inspection, irregularities were found and accordingly, directions were issued.

9. Considering the fact that the petitioner has brought down his prayer to just serial no.3,4 and 6 relating to letter no.1231 dated 08.10.2022 passed by the Mineral Development Officer, Sheikhpura (Annexure-14 to the petition), it would be appropriate that he prefers a detailed representation along with all the relevant documents before the respondent no.3, the Director, Mines and Geology Department, Bihar, Patna within a period of four weeks from today.

10. If such representation is preferred within four weeks, the same shall be disposed of with a reasoned order by the respondent no.3 within a period of three months from the submission of the representation.

11. While passing the order, respondent authority will look into account the documents that the petitioner will provide relating to the inspection that was made on 02.06.2022.

12. The writ petition stands disposed of.

(Rajiv Roy, J)

Prakash Narayan

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