

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13527 of 2023

M/s Vinayak Bricks a partnership firm having its place of business at 3 - B - 22 - 23, Sukhadia Nagar, Jawahar Nagar, Shri Ganganagar, Rajasthan - 335001 through its power of attorney holder namely Anil Kumar Ojha male aged about 31 years son of Shri Jagadish Prashad Ojha, Resident of Near Majisa, Chopra Ari, Ganga Shahar, District- Bikaner, Rajasthan - 334401.

... .. Petitioner/s

Versus

1. The Bihar State Mining Corporation Limited, Patna through its Managing Director.
2. The Managing Director, Bihar State Mining Corporation Limited, Patna.
3. The General Manager, Bihar State Mining Corporation Limited, Patna.
4. The Chief Executive Officer, Bihar State Mining Corporation Limited, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Gautam Kumar Kejriwal, Adv.
For the Respondent/s : Mr. Naresh Dikshit (Spl. P.P. Mines)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 29-08-2024

Heard the parties.

2. The present writ petition has been preferred for the following relief(s):

(i) for issuance of a writ in the nature of certiorari for quashing of the order dated 16.09.2022 issued vide ref. number 1949 by the respondent number 4 whereby the petitioner has been saddled with a penalty for ₹4,87,600/- under rule 56 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019 (hereinafter referred to as the rules 2019 for short);

b) for further issuance of a writ or order or direction upon the respondent corporation for payment of interest at the rate of 24% per annum upon the security deposit of Rs. 60,72,081/- which was



refunded to the petitioner (after adjustment of illegally imposed penalty) with a delay of over 7 months without any reasonable cause;

c) for further issuance of a writ or order or direction restraining the respondent corporation and its authorities from initiating any such proceeding against the petitioner for imposition of any penalty or punishment on account of alleged loading of minerals/sand in the unrealistic vehicles against which the respondent Department of Mines and Geology Government of Bihar had issued permits and such permits accompanied the stock so sold by the petitioner;

d) for further holding and a declaration that the whole proceeding initiated under rule 56 of the rules 2019 against the petitioner is without jurisdiction and a nullity in the eye of law;

e) for further holding and a declaration that there is no basis of computation and demand of cost of mineral as the petitioner is a valid contractor attached with the respondent corporation and the cost of mineral has already been recovered by the respondent corporation from the petitioner in the shape of auction amount;



f) for grant of any other relief or reliefs to which the petitioner is found entitled in the facts and circumstances of this case.

3. Before the learned counsel for the petitioner could argue the matter, Mr. Brij Bihari Tiwari, learned AC to Spl.P.P. Mines has provided a copy of the letter issued by the General Manager, Bihar State Mining Corporation Limited, Bihar, Patna addressed to the learned Spl.P.P. Mines showing the names of this firm who have been directed to refund the amount/make payment.

4. A perusal of the same would show that so far as the petitioner is concerned as serial no. 9, it has been incorporated that vide letter no. 255 dated 24.06.2024, order has been passed for payment of Rs. 4,87,600/-.

5. In that background, learned counsel for the petitioner submits that the liberty be granted to approach the Court in case the said statement/facts is/are incorrect.

6. Granting said liberty, the writ petition stands disposed of.

(Rajiv Roy, J)

Vijay Singh/-



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