

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14461 of 2023

=====

Rana Biresh Pratap Singh Son of Rana BHanu Pratap Singh near Jagdev Nagar, Laliyahi, Katihar, District Katihar, Bihar, through its Authorised Signatory, Sri Ravi Shankar Pratap Singh, aged about 36 Years, Son of Rana Randhir Pratap Singh, Resident of Karsa, Kothi, P.S. Bikram, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
2. The Principal Secretary-Cum-Mines Commissioner, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
3. The Director, Mines Bihar-Cum-Chief Executive Officer, Bihar State Mining Corporation Limited, Patna.
4. The Collector-Cum-District Magistrate, Bhojpur, Ara.
5. The District Mining Officer, Bhojpur, Ara.
6. The Bihar State Mining Corporation Limited, through its Chief Executive Officer, Room No.164, Vikas Bhawan (New Secretariat), Bailey Road, Patna-800015.
7. The Administrative Officer, Bihar State Mining Corporation Limited, Room No. 164, Vikas Bhawan (New Secretariat), Bailey Road, Patna-800015.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi, Adv.
For the Respondent/s : Mr. Gyan Prakash Ojha (GA-7)

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-08-2024 Heard Mr. Suraj Samdarshi, learned counsel for the

petitioner and learned AC to Spl.P.P. Mines.

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

*“(i) to issue an appropriate writ,
order or direction in the nature of Certiorari
for quashing order contained in memo no.
2046 dated 26.09.2022 passed by the*



Director, Mines, Bihar-cum-Chief Executive Officer, Bihar State Mining Corporation Limited, whereby and whereunder a penalty of Rs.1,03,72,100/- has been imposed upon the petitioner purportedly under Rule 56 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019 for allegedly transporting 7828 MT of sand through 1927 incorrect e-transit challans;

(ii) consequent to grant of relief no (1), this Hon'ble Court may issue a writ, order or direction in the nature mandamus commanding the Respondent Bihar State Mining Corporation Limited to refund Rs.1,03,72,100/- deducted from the security deposit of the petitioner;

(iii) this Hon'ble Court may adjudicate and hold that there is no restriction under the 2019 Rules for transporting minerals upon an unregistered vehicle, since Form-G at sl. no. 16 mentions only the "vehicle number" and not the "registration number";

(iv) this Hon'ble Court may further adjudicate and hold that it was the duty of Bihar State Mining Corporation Limited, under Rule 41 of the 2019 Rules to monitor movement of minerals through e-challans;

(v) this Hon'ble Court may further



adjudicate and hold that there is no provision under the 2019 Rules or in the agreement for levying any penalty for not mentioning the registration number or mentioning incorrect details in the transit challans;

(vi) this Hon'ble Court may further adjudicate and hold that there is no provision under the 2019 Rules which authorise BSMCL to levy any penalty upon its contractors.

vii) this Hon'ble Court may further adjudicate and hold that Rule 56 can be invoked only when minerals is excavated without any mineral concession.

viii) this Hon'ble Court may further adjudicate and hold that since the entire royalty amount is paid in advance therefore no loss of revenue can be caused to the Respondent on account of transportation of sand on the basis of alleged illegal e-challans.

ix) this Hon'ble Court may further adjudicate and hold that the action of the Respondent Authorities in levelling false allegation of generating illegal e- transit challans and illegal mining and thereby not refunding the security deposit, is an act of mala fide and complete arbitrary exercise of authority/power.”



3. Before Mr. Samdarshi to argue the matter, learned AC to Spl. P.P. Mines has provided the letter no. 07 of the legal-43/23-385 dated 27.08.2024 issued by the General Manager Bihar State Mining Corporation Limited which is addressed to the Spl. P.P. Mines in which a chart has been provided to show that the direction has been issued for making payment .

4. Rana Biresh Pratap Singh, who is petitioner in the present case, his name appears as serial no. 2 and the case number has also been recorded. As per the chart vide order no. 359 dated 13.08.2024, order has been passed for payment of Rs. 1,03,72,100/-.

5. Mr. Samdarshi submits that though he has no recent information about it, in view of the document provided by learned AC to Spl.P.P. Mines, the matter can be disposed of with liberty that if there is any anomaly/incorrect version, he may be granted liberty to approach the Court.

6. Granting said liberty and recording the aforesaid facts, the writ petition stands disposed of.

(Rajiv Roy, J)

Vijay Singh/-

U			
---	--	--	--

