

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17414 of 2023

=====

Dheeraj Kumar son of Budhdev Sharma, Village and PO Sorampur, P.S.
Dhulin Bazaar, District- 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 Office, Bihar State Mining Corporation Limited, Patna.
4. The Collector-cum-District Magistrate, Gaya.
5. The District Mining Officer, Gaya.
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. Avinash Shekhar, Advocate Mr. Suraj Samdarshi, Advocate
For the Respondent/s	:	Mr. Prashant Pratap (GP-2)
For the Mines	:	Mr. Brij Bihari Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-08-2024 Heard Mr. Suraj Samdarshi, learned counsel for the

petitioner and Mr. Brij Bihari Singh, AC to Spl.P.P. Mines.

2. The present writ petition has been preferred for the

grant of following relief/s:-

*“i) To issue an appropriate writ, order
or direction in the nature of Certiorari for
quashing order contained in memo no. 1941
dated 16.09.2022 passed by the Director,*



Mines, Bihar-cum-Chief Executive Officer, Bihar State Mining Corporation Limited, whereby and whereunder a penalty of Rs. 93,59,800/- 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 7064 MT of sand through 1766 incorrect e-transit challans.

ii) Consequent to grant of relief no (i), 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. 25,71,366/- 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.

x) To grant any other relief or reliefs



*which the Petitioner may be found entitled to
in the facts and circumstances of the case.”*

3. At the outset, learned counsel appearing on behalf of the Spl.P.P Mines submit that the payment has already been made pursuant to the memo no. 359 dated 13.08.2024 issued by the General Manager, Bihar State Mining Corporation Limited and a copy has been provided to the learned counsel for the petitioner (serial no. 61 of the chart).

4. In that background, the writ petition has become infructuous and accordingly disposed of.

(Rajiv Roy, J)

Adnan/-

U			
---	--	--	--

