

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18444 of 2023

Libra Retailers Private Limited a company incorporated under the Companies Act, having its office at P-537 Hemanta Mukhopadhyay Sarani (formally known as Raja Basant Roy Road), Kolkata 700029 through its director Satya Nand Jha, aged about 44 year (male), son of Nitya Nand Jha, resident of Baranagore Jute Factory PLC, 284 Maharaja Nanda Kumar Road, North Alambazar, P.S. - Barnagore, Kolkata 700035.

... .. 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 and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
4. The Collector cum District Magistrate, Bhojpur.
5. The District Mining Officer, Bhojpur.
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, Advocate
	:	Mr. Avinash Shekhar, Advocate
For the State	:	Mr. Standing Counsel (11)
For the Mines Dept.	:	Mr. Naresh Dikshit, Special PP Mines

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-09-2024 Heard Mr. Suraj Samdarshi, learned counsel for the petitioner and Mr. Naresh Dikshit, learned Special PP Mines.

2. The present petition has been filed for the grant of following reliefs:-

i) To issue an appropriate writ, order or direction in the nature of certiorari for quashing



order contained in memo no. 2128 dated 27.09.2022 passed by the Director Mines cum Chief Executive Officer, Bihar State Mining Corporation Limited, whereby and whereunder a penalty of Rs. 1,51,68,600/- 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 11448 MT of sand upon 2862 incorrect e-transit challan.

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 the security deposit of Rs. 1,33,73,905/- of the petitioner along with applicable interest.

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 Gat 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. It has been informed by learned counsel for the petitioner that the refund has been made to the petitioner and as such, the matter has become infructuous.

4. Accordingly, the writ petition stands disposed of.

(Rajiv Roy, J)

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