

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3875 of 2024

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Maa Sharda Devi Buildings And Contractors Pvt Ltd., a registered company having its registered office at Babu Bazar, Ara, Bhojpur Bihar- 802301 through one of its directors namely Satendra Kumar male aged about 43 years, Son of Radha Charan Sah resident of Seth Ji ka Hata, Babu Bazar, Ara, Bhojpur, Bihar- 802301. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Mines and Geology, Government of Bihar, Patna.
2. The Bihar State Mining Corporation Limited, Patna through its Managing Director.
3. The Managing Director, Bihar State Mining Corporation Limited, Patna.
4. The General Manager, Bihar State Mining Corporation Limited, Patna.
5. The Chief Executive Officer, Bihar State Mining Corporation Limited, Patna.
6. The Mines Development Officer, Rohtas, Sasaram,(Cluster-15).Respondents

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Appearance :

For the Petitioner/s	:	Mr.Gautam Kumar Kejriwal, Advocate
For the Respondent/s	:	Mr.Sunil Kumar Mandal, Standing Counsel-3
For the Mines Department:		Mr. Naresh Dikshit, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 11-02-2025

Heard learned counsel for the petitioner, Mr. Naresh Dikshit, learned counsel for the Mines Department and learned counsel for the State.

2. The petitioner has challenged the validity and legality of the order dated 24.02.2023 passed in Reference Case No.521/M Sasaram by the Mines Development Officer, Rohtas, Sasaram, (Cluster- 15), (respondent No.6) has been pleased to impose the penalty upon the petitioner under Rule 56(2) of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019.



3. Learned counsel for the petitioner submits that the petitioner is a registered Company. The Corporation has invited tender notice for award of contract of sand mining for eight districts in the State of Bihar and petitioner has participated in the aforesaid tender in the District of Rohtas and deposited a sum of Rs.15,342,025/- (Rs. One Crore Fifty Three Lacs Forty Two Thousands and Twenty Six Only) being the earnest money of 25% of the minimum reserve price and petitioner is the highest bidder and he has succeeded to the award of contract of sandghats in Cluster No.15 of river Sone till 31.03.2022 or till further orders of the Hon'ble Apex Court.

4. Learned counsel for the petitioner further submits that the petitioner has started the operation and thereafter the Corporation has issued a work order in favour of the petitioner. Learned counsel for the petitioner submits that suddenly the petitioner has received the letter dated 24.02.2023 issued by the respondent No.6 and demanded a fine of Rs. 70,83,288/- (Rs. Seventy lacs Eighty Three Thousand Two Hundred Eighty Eight Only).

5. Learned counsel for the petitioner further submits that the aforesaid impugned notice/letter issued without compliance of the principles of natural justice and no any show cause notice



has been served upon the petitioner before issuing of the aforesaid notice.

6. Learned counsel for the petitioner further submits that the case of the petitioner is squarely covered by the case of **M/s Uma Associates Vs. The State of Bihar & Ors** which was decided by order dated **09.05.2023** passed in **CWJC No.3400 of 2023**.

7. Learned counsel for the Mines Department fairly submits that the petitioner may be heard before passing of the final order and after hearing the petitioner the respondent No.6 may pass the order in accordance with law.

8. In view of the aforesaid, the order dated 24.02.2023 is set aside (Annexure-P/7) and the respondent No.6 is directed to pass a fresh order in accordance with law after hearing the petitioner.

9. With the aforesaid direction/liberty, this writ application stands disposed of.

(Rajesh Kumar Verma, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.02.2025
Transmission Date	NA

