

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9310 of 2025

Uma Associates Infratech Developers Private Limited having its registered office at S 20/56-10-2F 2/3, Sonal Sadan, The Mall Road, Cantonment Varanasi, UP 221002 through its director Anand Singh, agead about 50 years (male) Son of Ram Gopal Singh, Resident of S 20/56-10-2F, 2/3 Sonal Sadan, Mall Road, Cantonment, P.S. Cant. District Varanasi, UP 221002.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner-Cum-Principal Secretary, Department of Mines and Geology, Government of Bihar, Vikas Bhawan, Bailey Road, Patna 800001.
2. The Principal Secretary cum Commissioner Mines, Department of Mines and Geology, Government of Bihar, Vikas Bhawan, Bailey Road, Patna - 800001.
3. The Director, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
4. The District Magistrate-cum-Collector, Rohtas.
5. The Assistant Director, Mines and Geology, Rohtas, Sasaram.
6. The Mineral Development Officer, Sasaram, Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Suraj Samdarshi, Advocate
	:	Mr. Avinash Shekhar, Advocate
For the Respondent/s	:	Mr. Dhurjati Kumar Prasad, GP-14
	:	Mrs. Jahan Ara, AC to GP-14
For Mines Dept.	:	Mr. Naresh Dikshit, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

9 05-08-2025

Re.:- I.A. No. 1 of 2025

Heard learned counsel for the petitioner, learned counsel for the Mines-Department and learned counsel for the Respondent-State.

2. In terms of the liberty granted by order dated 29.07.2025, this Interlocutory Application has been filed by the petitioner for amending the prayer made in the writ application. The nature of the amendment which is sought is outlined in



paragraph-4 of this Interlocutory Application.

3. In reply to the amended reliefs which the petitioner is wanting to claim through this Interlocutory Application, the Mines Department has already filed its objection through the second supplementary counter-affidavit which is on record.

4. For the reasons as stated in this Interlocutory Application and the affidavit, the Interlocutory Application is allowed and the reliefs as claimed in the main writ application is allowed to be amended/modified, in terms of what has been stated in paragraph-4 of this Interlocutory Application.

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Heard learned counsel for the petitioner, learned counsel for the Mines-Department and learned counsel for the Respondent-State.

2. After allowing the aforesaid Interlocutory Application bearing I.A. No. 1 of 2025, the modified reliefs which now the petitioner is seeking in the present writ application is as follows:-

"(a) To issue an appropriate writ, order or direction in the nature of mandamus commanding the Respondents to treat agreement dated 05.07.2024 to be effective from 26.10.2024 in as much as



the first year of the settlement should come to an end on 25.10.2025 and the second year of the agreement should commence from 26.10.2025 and come to an end on 25.10.2026, third year of the settlement should commence on 26.10.2026 and come to an end on 25.09.2027; the fourth year of the settlement should commence from 26.09.2027 and come to an end on 25.08.2028 and the fifth year of settlement should commence from 26.08.2028 and end on 04.07.2029.

(b) To issue an appropriate writ, order or direction in the nature of mandamus commanding the Respondents that the payment schedule contemplated in Part V Clause 3 of the settlement agreement may be accordingly modified and shifted ahead in point of time in light of the schedule contemplated above only for the second year inasmuch as the petitioner will make payment of the first installment of second year's royalty by 15.08.2025, the second installment by 15.11.2025 and the third installment by 15.02.2026."

3. The aforesaid modified reliefs claimed by the petitioner has been seriously objected to by the learned counsel appearing for the Mines Department for the following reasons:-



a) Earlier when the petitioner had approached this Court *vide* CWJC No.5416 of 2025 dated 08.04.2025, the said writ application was disposed of in the following terms:-

“3. In view of the aforesaid, if the petitioner approach before the Respondent No.4, then the Respondent No. 4 is directed to dispose of the representation of the petitioner in accordance with law within a period of three months and while disposing of the representation, Respondent No. 4 shall consider that his counter part in Gaya has passed the order in favour of the settlee, shifting the date of the operation after monsoon and till the decision taken by the respondent no. 4, no coercive step can be taken by the authority against the petitioner.
4. With the aforesaid direction/liberty, this writ application stands disposed of.”

Learned counsel appearing for the Mines Department, therefore, submits that the modified reliefs being claimed by the petitioner in the present writ application is beyond the terms under which the previous writ application bearing CWJC No. 5416 of 2025 had been disposed of and, therefore, he submits that the modified reliefs being claimed by the petitioner should not be entertained.

b) A careful perusal of the modified reliefs being



claimed by the petitioner would clearly indicate that the petitioner is seeking alteration/changes in the contract/agreement which cannot be done by this Court. Any alteration or changes in the contract, which the petitioner is seeking, even for justified reasons, can only be done by the State Government. In this regard, the learned counsel for the Mines Department relies on a judgment of learned Division Bench of this Court delivered on 25.07.2019 in LPA No. 379 of 2019 and analogous cases in which it has been held and observed as follows:-

*“25. The question of extension of the tenure or otherwise may be dependent on the terms and conditions of the contract which can be defined or altered to the advantage of the appellant by no one else than the State Government. This cannot be by way of a judicial review on the facts and circumstances of the present case. The judgment relied on by the learned counsel for the appellant in the case of **Uberoi Mohinder Singh and Associates Vs. State of Haryana and others, reported in (1991) 2 SCC 362** does not come to the aid of the appellant in the given facts and*



circumstances of the present case as discussed hereinabove. The demand of Stamp Duty by the Registration Department cannot be termed as unlawful obstruction or an act of omission or unjust commission so long as the demand is not held to be unlawful. That stage has not arrived as yet.”

Learned counsel for the Mines Department further relies upon a judgment of the Hon'ble Apex Court reported in **(2024) 4 SCC 230 in the case of Venkataraman Krishnamurthy and Anr. Vs. Lodha Crown Buildmart Private Limited**, in which in paragraph-21 it has been held as follows:-

“21. In this regard, we may refer to the Constitution Bench decision in General Assurance Society Ltd. v. Chandumull Jain², wherein it was observed that, in interpreting documents relating to a contract of insurance, the duty of the court is to interpret the words in which the contract is expressed by the parties because it is not for the court to make a new contract, however reasonable, if the parties have not made it themselves. Thereafter, in Rajasthan State Industrial Development & Investment Corpn. v. Diamond & Gem Development Corporation Ltd. 3, this Court reiterated that a contract, being a creature of an agreement between two



or more parties, is to be interpreted giving the actual meaning to the words contained in the contract and it is not permissible for the court to make a new contract, however reasonable, if the parties have not made it themselves.”

4. Learned counsel for the Mines Department, therefore, submits that since the power to alter or make any changes in the contract is only with the State Government and not with this Court, therefore, the modified reliefs claimed in the present writ application is fit to be rejected.

5. Learned counsel appearing for the petitioner submits that since in the aforesaid judgments which have been relief upon by learned counsel for the Mines Department, it is clear that any prayer for alteration in the contract can only be done by the State Government and not by the Court, therefore, the petitioner is prepared to file a fresh representation before the State Government i.e., Mines and Geology Department, Government of Bihar by 8th of August, 2025.

6. Considering the fact that the petitioner is prepared to approach the State Government by 8th of August, 2025 for seeking the modified reliefs as claimed for in the present writ application, this writ application is disposed of granting liberty to the petitioner to file his detailed representation before the State Government i.e., Honorable



Minister for Mines and Geology Department, Government of Bihar by 8th August, 2025 and if such a representation is filed by 8th August, 2025, the same shall be heard and decided on merit after giving an opportunity of hearing to the petitioner within four weeks thereafter. The State Government/Honorable Minister while deciding the representation of the petitioner will pass a reasoned and speaking order. It is expected that the Honorable Minister will not be influenced by the previous orders passed by the District Magistrate-cum-Collector, Rohtas and will independently apply his mind while deciding the issues raised in the representation by the petitioner.

7. With the aforesaid observation and direction, the present writ application is disposed of with the liberty aforesaid. Till such time, the representation filed by the petitioner is pending consideration before the State Government, Department of Mines and Geology will not stop generation of E-Challans in favour of the petitioner. All pending Interlocutory Applications, if any shall stand disposed of.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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