

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3769 of 2024

In
Civil Writ Jurisdiction Case No.6781 of 2018

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M/s Jai Mata Di Enterprises, through its Sole Proprietor, Shri Gopal Prasad (Male) aged about 58 Years Son of Late Mani Lal, Resident of Hanuman Complex, Main Road, Nawada, P.S. Nawada, District-Nawada-805110.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mihir Kumar Singh, Additional Chief Secretary Cum Mines Commissioner, Department of Mines, Bihar, Patna Cum Managing Director, Bihar State Mining Corporation Ltd., Patna.
3. Sri Vinod Duhan, Director, Department of Mines Bihar, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Satyabir Bharti, Sr. Advocate Mr. Abhishek Anand, Advocate Mrs. Kanu Priya, Advocate
For the Opposite Party/s	:	Mr. Gyan Prakash Ojha GA- 7
For the Resp. No. 2 (BSMCL)	:	Mr. Ranjeet Kumar Pandey, Advocate
For the Resp No. 3 (Mines)	:	Mr. Naresh Dixit, Spl. P.P. Ms. Shruti Singh,

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 04-07-2025 Heard the parties.

2. The present application has been preferred:

*before this Hon'ble Court with a
prayer to initiate appropriate proceedings
against the Opposite Party no. 2 and 3 and
punish them for having committed contempt of
this Hon'ble Court for wilfully disobeying the
directions, as contained in the judgment and
order dated 03.08.2023 passed by Hon'ble Mr.
Justice Rajiv Roy in CWJC No. 6781 of 2018,*



by which this Hon'ble Court had panned following directions:

“ However, despite filing of the counter affidavit, nowhere it has been incorporated that there was an agreement between the parties on 1.2.2018 that this agreement will be given retrospective effect.

In that view of the matter, the petitioner has made out the case.”

"Considering the aforesaid facts as also the materials on record, this Court is convinced that pursuant to the agreement signed as also there is no such document on record to show that the 5% commission to the BSMC was to be taken/given effective from 1.1.2018 and the petitioner. himself has stated that from 25.01.2018 at 8.44pm, the column of 5% commission itself came in the challan. Prior to that as there was no column, he has been made to suffer by paying Rs.57,28,696/-.

In that view of the matter, the petitioner is directed to file a representation bring on record every document within four



weeks from today. If such a representation is filed within four weeks from today, the Director, Mines, Bihar, Patna, the newly added respondent no. 7 will have to pass a reasoned order within a period of three months from the submission of representation.

The consequence of the said order has to be completed within next one month."

3. The show cause of the Mines Department dated 04.04.2025 is on record by which the claim of the petitioner has negated.

4. On 11.04.2025, this Court had taken note of the fact and wanted to dispose it of. However, learned counsel for the petitioner took time to come with certain documents.

5. Today, no such document has been filed, the Court is convinced that the order has been complied.

6. Granting liberty to agitate the matter/challenge it afresh, the contempt petition is disposed of.

(Rajiv Roy, J)

Raj Ranjan/-

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