



Sonam

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 444 OF 2023**

Vishal Vinayak Bandekar,
Son of late Shri. Vinayak Bandekar,
Aged 54 years, married, Indian National,
Sole Proprietor of M/s V. N. Bandekar,
Having office at CA-I/II, Sapna Gardens,
Porvorim, Bardez, Goa.

... Petitioner***Versus***

1. The Revisional Authority
(Central Government), under
The Mines & Mineral
(Development & Regulation) Act, 1957,
Government of India,
Ministry of Mines, Shastri Bhavan,
New Delhi 110011.

2. State of Goa
Through its Secretary (Mines)
Having office at Secretariat
Porvorim, Bardez, Goa.

3. Union of India
Through the Ministry of Mines
Having office at Shastri Bhawan
New Delhi.

...Respondents

Mr. Kabir Sabnis, Advocate for the Petitioner.

Mr. Anand Shirodkar, Advocate holding for Mr. Somnath Karpe, Central Government Standing Counsel for the Respondent Nos. 1 and 3.

Mr. Neehal Vernekar, Additional Government Advocate for Respondent No. 2.

CORAM : VALMIKI MENEZES, J.
DATED : 4TH APRIL, 2025.

ORAL JUDGMENT:

1. Heard learned Advocates for the parties.
2. Rule. Rule is made returnable forthwith; at the request of and with the consent of learned Advocates for the parties, the matter is finally heard and disposed of. Learned Advocate Mr. Kabir Sabnis waives service on behalf of Petitioner, learned Advocate Mr. Anand Shirodkar holding for Mr. Somnath Karpe, learned Central Government Standing Counsel waives service for the Respondent Nos. 1 and 3 and Mr. Neehal Vernekar, learned Additional Government Advocate waives service for Respondent No. 2.
3. This petition is disposed of after hearing the parties and with their consent. An order dated 30.01.2018 came to be passed by the Revisional Authority i.e. Joint Secretary Department of Mines and Minerals under Section 30 of the Mines and Minerals (Development and Regulation Act, 1957

(MMDR Act) and Rule 36 of the Minerals (other than Atomic & Hydro Carbons Energy Minerals) Concession Rules, 2016(MCR, 2016). By this order, the Revisional Authority under the above said Act, at paragraph No. 11.1 to 11.4 has considered that the State Government has not entertained only merits of the application and has rejected the same merely for not filing the approved Mining plan. While rejecting the contention of the department, holding that under the 2016 Rules, such a plan was made mandatory, it has remanded the application for renewal of the lease back to the State Government for reconsideration on merits.

4. The original authority i.e. Secretary Mines and Minerals of the State Government, instead of considering the application for the grant of renewal of lease on its merits, in terms of the remand order, holds that the revisional order has nowhere set aside the order dated 09.02.2010, passed on the original application for renewal of the lease. Accordingly, the Secretary of the Mines Department of the State rejected the application for renewal, on this ground alone by impugned order dated 03.03.2020, against which the revision was preferred, which was also dismissed on 22.10.2021 by the second impugned order. Both these orders were decided on the wrong premise that the original order dated 09.02.2010 on the first ground of the consideration of the application for renewal of the lease has

never being set aside. On a plain reading of the order of the Revisional Authority dated 30.01.2018, it has in no uncertain terms held that the application could not have been rejected for the reasons stated in the impugned order dated 09.10.2010; it has specifically held so at paragraph Nos. 11.1 to 11.4 of the order. Thus, it is clear that the order dated 09.02.2010 was set aside by the said authority, and the case was remanded back in terms of paragraph No. 13 of the order of the State Government for re-examining and taking a decision on its merits.

5. Consequently, the impugned orders dated 03.03.2020 passed by the Secretary Mines and order dated 22.10.2021 passed by the Joint Secretary and Revisional Authority are quashed and set aside. Consequently, the application for renewal of the lease dated 17.09.2007 in respect of TC No. 108/1953 shall be heard on its own merits and decided afresh by the Secretary Mines, Government of Goa, in terms of the aforesaid Act and Rules within a period of 3 months from receipt of this order.

6. Rule is made absolute in the aforementioned terms.

7. The petition stands disposed of.

VALMIKI MENEZES, J.