



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 393/2025

Dalmia Cement (Bharat) Limited

Vs.

Union of India and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Shashank Garg, Senior Advocate a/b. Mr. Jatin Kumar with
Ms Nishtha Jain with Mr. Aashray Chaudhari, Advocates for
Petitioner.

Mr. Saurabh Chaudhari, Advocate for Respondent No.1.

Mr. H. R. Dhumale, A.G.P. for Nos.2 and 3/State.

CORAM : ANIL S. KILOR AND MRS. VRUSHALI V. JOSHI,JJ.
DATED : 11/08/2025.

1. Heard.

2. The petitioner has approached to this Court by filing the present writ petition seeking directions to the respondent to extend the validity period of Letter of Intent dated 10.09.2020 issued in favour of the petitioner for Gojoli-Somanapalli-Dongargaon Block for a period of two years as provided under the second proviso to Rule 10(6) of the Mineral (Auction) Rules, 2015. It is further prayed that such period of two years to be counted from the date of grant of such extension.

3. The brief facts of the present case are as under :

The respondent No.3 issued a notice on 01.12.2019 for Invitation of bids for grant of Mining Lease for Limestone, Iron ore, Bauxite and Manganese Ore Minerals and for grant of Composite Licence of Copper Mineral. The petitioner participated in the said process. The Letter of Intent on 10.09.2020 for Mining Lease of Gojoli Mineral Block for limestone in Chandrapur District

of Maharashtra for 646.55 Hectare Area for a period of fifty years was issued to the petitioner.

4. As per Clause 4.1 of Letter of Intent, the petitioner was to fulfill all the conditions therein and execute the Mining Lease within the validity period of said Letter of Intent. The initial validity period as per the said Letter of Intent is three years from the date of its issuance, which can be further extended.

5. Admittedly, the petitioner could not fulfill all the conditions therein and execute the Mining Lease within a period of three years and, therefore, an extension was sought for two years as per the second proviso to Rule 10(6) of the Rules, 2015. Such application for extension was made by the petitioner vide letter dated 31.05.2023.

6. There was no communication from respondent's side after submission of the said letter for long period and on 04.04.2025, a letter came to be issued to the petitioner by the Joint Secretary, Government of Maharashtra stating that the petitioner sought extension of time till 09.09.2025 for obtaining all the required consents and approvals. It further says that the State Government granted approval for a Letter of Intent extension till 09.09.2025 for the purpose of obtaining the required consents and approvals so that the Mining Lease may be executed.

7. Thus, the grievance of the petitioner in the present writ petition is that if the provisions permits extension of the time by two years and when the authorities have found the reasons stated by the petitioner in his application for extension, as just and proper for grant of extension, such extension ought to have granted for two

years and not for the lesser period. It is submitted that the letter dated 04.04.2025 grants extension till 09.09.2025 that means the extension only for five months is granted. It is therefore, argued that, if the petitioner is not at fault in making the application for grant of extension and if the same was made within time, for the fault of the Government in not deciding the application for one and half years, the petitioner should not be allowed to suffer.

8. The learned A.G.P., on the other hand, submits that second proviso to Rule 10(6), permits extension for two years from the date of expiry of period of three years and accordingly, the extension was granted rightly to the petitioner up to 09.09.2025. He submits that the petitioner cannot raise any grievance for the reason that the application moved by the petitioner dated 31.05.2023 seeking extension, is for the period till a particular date i.e. 09.09.2025, to which date the extension is granted by the State. It is argued that, it was not the prayer of the petitioner to grant extension for the period of two years from the date of grant of such extension but it was till the period 09.09.2025.

9. Having heard the learned Counsel for the respective parties and perused the record.

10. It is evident that the petitioner while seeking extension of validity period of Letter of Intent vide letter dated 31.05.2023 addressed to the Principal Secretary, Department of Industry, Energy & Labour, Government of Maharashtra, has quoted the grounds for grant of extension in the said letter and in concluding para, the petitioner states that, “we therefore request your good self

to extent the validity of LOI which is expiring on 9th September, 2023 by another two years so as to obtain the pending approvals/clearances for execution of project.”

11. It is thus evident that, in the letter, seeking extension, the petitioner sought extension of two years and the date referred 09.09.2023, was in respect of date of expiry. Nowhere the letter says that the extension be granted till 09.09.2025. The contents of the letter show that the grievance of the petitioner was to grant extension of two years to complete the process and obtain necessary permission and clearances. However, it appears that the respondent authority has considered the said application for extension only up to 09.09.2025. Thus, we are of the opinion that the respondent has not considered the said application in its true letter and spirit.

12. In that view of the matter, we are of the opinion that the purpose would be served if the petitioner is permitted to approach to the respondent No.2 and make a fresh representation for grant of extension for the period for which he is entitled to receive extension and if the respondent No.2 is directed to decide the same within stipulated period.

13. Accordingly, we dispose of the present writ petition with liberty to the petitioner to approach to the respondent No.2 by making a representation/application for extension of validity period of Letter of Intent for the period he is entitled to receive such extension. If such application/ representation is made within one week from today, the respondent No.2 is directed to decide such application/representation on or before 02.09.2025.

14. If the decision goes adverse to the petitioner, the petitioner is at liberty to file a fresh petition.

(MRS.VRUSHALI V. JOSHI, J.)

(ANIL S. KILOR, J.)