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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 14125/2025 & CM APPL.57991/2025**

DALMIA CEMENT (BHARAT) LIMITEDPetitioner

Through: Mr. Dayan Krishnan, Sr. Advocate
along with Mr. Rishi Agrawala,
Ms. Chanan Parwani, Mr. Daksh
Arora, Ms. Muskaan Sethi and Mr.
Aditya Rajgopal, Advocates.

versus

UNION OF INDIA & ORS.Respondents

Through: Ms. Radhika Bishwajit Dubey,
Ms. Gurleen Kaur Waraich and
Mr. Kritarth Upadhyay, Advocates
for R-1 & R-2 / UOI (through VC)

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **12.09.2025**

CM APPL.57992/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 14125/2025

3. The present petition has been filed by the petitioner, *inter alia*, seeking as follow:

“B. Issue a writ of mandamus or any other appropriate writ, order or direction directing Respondent No. 2 to extend the validity of the Letter of Intent dated 17.09.2020 by a period of six months from 16.09.2025, in exercise of its power under Section 31 of the Mines and Minerals (Development and Regulation) Act, 1957 to enable the Petitioner to execute the Mining Lease.”

4. The factual background as canvassed by the petitioner is that an Letter of Intent (LOI) dated 17.09.2020 was issued in favour of the petitioner, by



the respondent no.3 (Mineral Resources Department, Government of Madhya Pradesh), for grant of Mining Lease for Badrakha Limestone Block (hereinafter referred to as “Badrakha Block”).The said LOI was initially valid for a period of three years, i.e., until 16.09.2023, and was subsequently extended until 16.09.2025.

5. In terms of the said LOI, and the statutory framework under the Mines and Minerals (Development and Regulation) Act, 1957, the petitioner was required to fulfil all conditions stipulated therein and obtain all mandatory approvals (including Environment Clearance) prior to execution of the Mining Lease within the validity period of the LOI.

6. One of the mandatory preconditions for execution of the Mining Lease under the MMDR Act is the grant of Environment Clearance (EC). The petitioner applied for issuance of EC on 13.07.2023. The State Expert Appraisal Committee (SEAC) recommended grant of EC on 02.05.2024, and the State Environment Impact Assessment Authority (SEIAA) approved the same in its 884th meeting held on 07.05.2025, with the minutes thereof being uploaded on 16.07.2025.

7. However, despite several representations and requests, the formal order regarding issuance of EC was not communicated to the petitioner, thereby impeding further steps for execution of the Mining Lease. The petitioner contends that the delay is solely attributable to administrative inaction on the part of the respondents.

8. It is the case of the petitioner that the delays, resulting in the Mining Lease not being executed within the validity period of the LOI, were beyond its control. It is submitted that the petitioner has complied with all other conditions and requirements necessary for execution of the Mining Lease,



and that the status of activities, approvals, and No Objection Certificates (NOCs) required for such execution have been duly obtained by the petitioner. However, in the absence of a formally issued EC, the petitioner remains incapacitated from proceeding further. The details of the approvals/actions taken by the petitioner are as below:

<i>Activity/ Approvals/ NOCs</i>	<i>Date of achievement/ completion</i>
<i>Paid 1st Instalment of Upfront Payment of Rs. 32,21,775/-</i>	<i>30.06.2020</i>
<i>Obtained approval of Mining Plan from Indian Bureau of Mines, Jabalpur</i>	<i>05.03.2021</i>
<i>Obtained Terms of Reference from Ministry of Environment, Forest and Climate Change (MoEF)</i>	<i>05.03.2021</i>
<i>Successfully conducted Public Hearing</i>	<i>06.03.2023</i>
<i>Paid 2nd Instalment of Upfront Payment of Rs. 32,21,775/-</i>	<i>16.06.2023</i>
<i>Submitted Performance Security</i>	<i>27.06.2023</i>
<i>Obtained NOC from Gram Panchayats</i>	
<i>Obtained NOC from Central Ground Water Agency for ground water abstraction</i>	<i>05.09.2023</i>
<i>Obtained recommendation by SEAC for grant of EC</i>	<i>02.05.2024</i>
<i>Obtained approval by SEIAA for grant of EC</i>	<i>07.05.2025 (minutes uploaded on 16.07.2025)</i>



The petitioner relies on Clause 8(iii) of the Environmental Impact Assessment Notification, 2006, which prescribes that where the decision of the regulatory authority (i.e., SEIAA in the present case) is not communicated within 45 days from the date of recommendation, the EC may be deemed to have been granted in accordance with the recommendation.

9. It is further submitted that the formal EC approval has now been duly obtained. Accordingly, there exists no legal impediment to the execution of the Mining Lease in favour of the petitioner. However, in view of the timelines prescribed under the Mineral Auction Rules, 2015, the petitioner has made a representation dated 06.09.2025 to the Central Government, *inter alia* seeking as under:-

“Direct the SEAC/SEIAA to issue EC to DCBL immediately as per the recommendation dated 16.07.2025 and relax the Sub-Rule 6 of Rule 10 of the Mineral Auction Rules, 2015 exercising the powers under section 31 of the MMDR Act thereby extending the validity of LOI issued on 17.9.2020 for a minimum period of three months from the date of issuance of EC, so as to enable the execution of the Mining lease.”

10. It is submitted that the said representation is presently under consideration by the concerned authority of the Central Government.

11. During the course of hearing, learned senior counsel for the petitioner confines to seeking the limited relief that the pending disposal of the representation dated 06.09.2025, no precipitative or coercive action be taken against the petitioner which may adversely affect its rights pursuant to the LOI dated 17.09.2020.

12. Issue notice.

13. Learned Standing Counsel, as aforesaid, accepts notice on behalf of



the respondents.

14. She seeks to refute the maintainability of the present petition for want of territorial jurisdiction. However, it is not disputed that the petitioner's representation dated 06.09.2025 is pending consideration by the concerned authority of the Central Government in Delhi.

15. Given the limited relief sought by the petitioner, the present petition is disposed of with a direction to the Central Government to consider and dispose of the petitioner's representation dated 06.09.2025, by way of a reasoned order as expeditiously as possible, and after taking note of the contentions raised in the present petition. Till the same is done, no precipitative or coercive steps shall be taken against the petitioner.

16. The petition is disposed of in the above terms. Pending application also stands disposed of.

SACHIN DATTA, J

SEPTEMBER 12, 2025/uk