

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.428 of 2023

In

Civil Writ Jurisdiction Case No.11600 of 2022

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Nagendra Kumar, Son of Mudrika Rai, Resident of New Gosai Tola,
Sultanpur Road, Dr. D. Ram, DAV Public Schol, Ward No.20, Danapur
Khagaul, P.O. and P.S.-Danapur, District-Patna 801503, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Smt. Harjot Kaur Bamhrah Principal Secretary, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
2. Smt. Harjot Kaur Bamhrah, The Principal Secretary cum Mines Commissioner, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
3. Sri Ghanshyam Jha, The Assistant Director, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
4. Sri Shailendra, The Engineer in Chief, Flood Control and Drainage, Water Resources Department, Government of Bihar.
5. Sri Pradeep Kumar Sinha, the Chief Engineer, Flood Control and Drainage, Water Resources Department, Government of Bihar.
6. Sri Gautam Kumar, The Executive Engineer, Flood Control and Drainage, Water Resources Department, Government of Bihar.
7. Dr. Chandrashekhar Singh, the Collector cum District Magistrate, Patna.
8. Sri Kumar Gaurav, The District Mining Officer, Patna.
9. Sri Kumar Gaurav, The Mineral Development Officer, Patna.
10. Bihar State Mining Corporation Limited through Sri Asangba Chuba Ao, General Manager, Room No.164, Vikas Bhawan (New Secretariat), Bailey Road, Patna 800015.
11. Sri Shivendra Kumar Verma, The Authorised Officer, Bihar State Mining Corporation Limited, Room No.164, Vikas Bhawan (New Secretariat), Bailey Road, Patna 800015.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Suraj Samdarshi, Sr. Advocate Mr. Avinash Shekhar, Advocate Ms. Simran Kumari, Advocate Ms. Abhilasha Jha, Advocate
For the State	:	Mr.Gyan Prakash Ojha, GA-7
For the Mines	:	Mr. Naresh Dikshit, Spl.PP Ms. Shriti Singh, Advocate Mr. Utkarsh Pathak, Advocate



For they BSMC Ltd. : Mr. Ranjeet Kumar Pandey, Advocate
Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

3 24-04-2026 Heard learned counsel for the parties.

2. The present contempt application has been filed alleging non-compliance of the order dated 19.12.2022 passed in CWJC No. 11600 of 2022, operative portion of which reads as follows:

“Nonetheless, the petitioner would be entitled for refund of the amount but without any interest whatsoever.

After having said so, we direct the petitioner to approach the Respondent No.10 for the needful within a period of two weeks. On such request made by the petitioner, necessary directions shall be issued by the concerned respondent and the tender money with necessary deductions shall be returned to the petitioner.

As we have noted above, the petitioner shall not insist for any interest on such payment..

3. A show cause has been filed on behalf of Opposite Party Nos. 1 to 3 & 8 to 11, wherein following statements have been made:

“10. That it is humbly submitted that in compliance of the directions passed by this Hon'ble Court in the order dated 19.12.2022, the concerned opposite party refunded the amount deposited i.e. Rs. 3,08,36,815/- by



the Petitioner vide RTGS dated 16.01.2023 without any deductions whatsoever. The said fact is detailed hereinbelow:

11. S.No.	Head	Amount Deposited by the Petitioner	Deduction	Amount Refunded to Petitioner
1.	Mining Fee	1,99,63,722/-	0	1,99,63,722/-
2.	EMD	1,08,73,093/-	0	1,08,73,093/-
			Total	3,08,36,815/-

12. That it is most essential to mention here that the remaining amount deposited by the Petitioner was under the following heads:

- a) Income Tax Rs. 4,11,253/-*
- b) District Mineral Foundation (DMF)- 3,99,275/-*
- c) Goods and Services Tax (GST)-35,93,470/-*
- d) Stamp Duty- 11,97,824.*

13. That it is submitted that the concerned opposite party has already deposited the amounts under the heads of the Income Tax and the GST with the concerned Departments. Furthermore, The DMF amount has also been submitted by the Respondent BSMCL with the District Mining Office, Bhojpur. Further, the stamp duty has also been deposited with the concerned District Registration Office. Therefore, the perusal of the aforesaid would make it evident that no amount, deposited by the petitioner herein, is pending with the respondent BSMCL as on date.”

4. Upon perusal of the aforesaid, it appears that the directions issued by the Division Bench has already been complied with.



5. In view of the aforesaid, this Court is of the view that no further order is required to be passed in the present contempt application.

6. Accordingly, the present contempt application stands disposed of.

7. If so advised, the petitioner shall be at liberty to file a fresh writ application in accordance with law, if aggrieved by the act of the opposite parties.

8. Pending application(s), if any, shall also stand disposed of.

(Sudhir Singh, J)

(Shailendra Singh, J)

Sujit/-

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