IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16348 of 2019

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Starnet Marketing Pvt. Ltd. a Company incorporated under the provisions of the Companies Act, 1956 having its office at 110 Urmila Tower, Bank More, Dhanbad, 826001, through its Chief Executive Officer, Sadashiv Prasad Singh, Son of Sri Maleshwar Singh, Resident of 410 Ganeshalay Apartment, Jharudih, Near Carmel School, Matkuria, District Dhanbad, Jharkhand.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
2. The Principal Secretary cum Mines Commissioner, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
3. The Assistant Director, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
4. The District Magistrate cum Collector, Jehanabad.
5. The Competent Officer cum Mines Inspector, District Mines Office, Jehanabad.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Suraj Samdarshi, Advocate Mr. Avinash Shekhar, Advocate Mr. Simran Kumari, Advocate Mr. Abhilasha Jha, Advocate
For the Respondent/s	:	Mr.Gyan Prakash Ojha, GA-7
For the Mines	:	Mr. Naresh Dixit, Spl. P.P. Mr. Brij Bihari Tiwari, Advocate Ms. Shruti Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

7 06-01-2026 Heard the parties.

2. The petitioner has moved the Court for the following reliefs:

"i) To issue an appropriate writ, order or direction in the nature of certiorari for quashing letter no. 502 dated 10.06.2019 (Annexure 6), whereby and where under the Respondent No. 5 has directed the Petitioner to deposit Rs. 1,15,24,934/-(Rupees One Crore

Fifteen Lakhs Twenty Four Thousand Nine Hundred Thirty Four only) in light of the objections raised by the audit team at para 11 of audit report no 235/13-14 with respect to transit pass irregularities in the year 2012.

ii) This Hon'ble Court may adjudicate and hold that merely on the basis of an audit objection the competent authority cannot raise any demand from a settlee without any independent enquiry and verification at his own end as contemplated under Rule 26 (b) of the Bihar Minor Mineral Concession Rules, 1972.

iii) This Hon'ble Court may further adjudicate and hold that the amount of extra royalty computed by the office of Accountant General at para 11 of audit report no. 235/13-14 is based upon assumptions and extrapolation and the same cannot form the basis of any demand without any independent verification at the end of the competent authority.

iv) This Hon'ble Court may further adjudicate and hold that in light of Rule 5 (b) and 5(f) of the Mineral Transit Pass Regulations 1976, the Respondents are now precluded from raising any demand from the petitioner for excess royalty."

3. Earlier the petitioner had moved this Court against the order passed by the authorities and filed C.W.J.C. No. 17958 of 2017 which was disposed of by this Court on 16.05.2019.

4. A co-ordinate Bench of this Court had set aside the order dated 05.10.2017 and remanded the matter back to the Mines Commissioner to pass fresh order in accordance with law after affording proper opportunity of hearing to the petitioner and also looking into all the relevant documents filed on behalf of the petitioner.

5. Thereafter, a demand has been raised by the Competent Authority, District Mining Office, Jehanabad. Pertinently, the directions passed by the Co-ordinate Bench in the aforesaid order has not been complied with inasmuch as no proper opportunity has been given to the petitioner and no order as directed by the aforesaid co-ordinate bench has been passed.

6. In my opinion, the Competent Authority, District Mining Office, Jehanabad has passed an order against the order dated 16.05.2019 passed by a co-ordinate Bench of this Court.

7. In these circumstances, in my view, the impugned demand cannot be sustained being against the direction passed by this Court.

8. The demand raised vide letter no. 502 dated 10.06.2019 (Annexure 6), by the Respondent no. 5 is hereby quashed.

9. Accordingly, the application stands allowed.

(Sandeep Kumar, J)

P. Kumar

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