Serial No. 01
Regular Cause List

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP (C) No. 1754/2026
CM No. 4639/2026

M/S Shining Star Stone Quarries

… Petitioner(s)

Through: -
Mr Mian Tufail, Advocate.

V/s

Union Territory of Jammu & Kashmir and Ors.

… Respondent(s)

CORAM:

Hon'ble Mr Justice Yash Paul Bourney, Judge.

(ORDER)

21.10.2026

01. The Petitioner, through the medium of this Petition, claims that it has been granted a mining lease w.e.f. 25th of March, 1997 by the then State Government for a period of 30 years, however, Section 8-A of the Mines and Minerals (Development and Regulation) Act, 1957 came to be inserted by way of Act 10 of 2015, wherein it was provided that all mining leases granted before the commencement of the Act 2015 have to be deemed to have been granted for a period of 50 years. Pursuant to the aforesaid amendment in the Act of 2015, the Petitioner claims to have made representations before the Respondents for the extension of the lease, however, the Respondents have not taken any action so far.

02. Learned Counsel appearing for the Petitioner has submitted that, although the lease granted in favour of the Petitioner in the present case is in subsistence, but under the amended provision, the Petitioner is entitled to extension of lease. In this connection, the learned Counsel has drawn the attention of the Court to two representations filed by the Petitioner; first, dated 2nd of May, 2026 and the other one dated 11th of May, 2026, and submitted that the Respondents, particularly Respondent No.1, is yet to take a call on the representations so made by the Petitioner.

03. Section 8-A of the Mines and Minerals (Development and Regulation) Act, 1957, inserted by way of Act 10 of 2015, being relevant, is reproduced hereunder:

> "[**8-A. Period of grant of a mining lease for minerals other than coal, lignite and atomic minerals—(**1) The provisions of this section shall apply to minerals other than those specified in Part A and Part B of the First Schedule.
>
> (2) On and from the date of the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, all mining leases shall be granted for the period of fifty years.
>
> (3) All mining leases granted before the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 shall be deemed to have been granted for a period of fifty years.
>
> (4) On the expiry of the lease period, the lease shall be put up for auction as per the procedure specified in this Act:
> [Provided that nothing contained in this section shall prevent the State Governments from taking an advance action for auction of the mining lease before the expiry of the lease period.]
>
> (5) Notwithstanding anything contained in sub-sections (2), (3) and sub-section (4), the period of lease granted before the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, where mineral is used for captive purpose, shall be extended and be deemed to have been extended up to a period ending on the 31st March, 2030 with effect from the date of expiry of the period of renewal last made or till the completion of renewal period, if any, or a period of fifty years from the date of grant of such lease, whichever is later, subject to the condition that all the terms and conditions of the lease have been complied with.
>
> (6) Notwithstanding anything contained in sub-sections (2), (3) and sub-section (4), the period of lease granted before the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, where mineral is used for other than captive purpose, shall be extended and be deemed to have been extended up to a period ending on the 31st March, 2020 with effect from the date of expiry of the period of renewal last made or till the completion of renewal period, if any, or a period of fifty years from the date of grant of such lease, whichever is later, subject to the condition that all the terms and conditions of the lease have been complied with.

(7) Any holder of a lease granted, where mineral is used for captive purpose, shall have the right of first refusal at the time of auction held for such lease after the expiry of the lease period.

[(7-A) Any lessee may, where mineral is used for captive purpose, sell mineral up to fifty percent of the total produced in a year after meeting the requirement of the end use plant linked with the mine in such manner as may be prescribed by the Central Government and on payment of such additional amount as specified in the Sixth Schedule:

Provided that the Central Government may, by notification in the Official Gazette and for the reasons to be recorded in writing, increase the said percentage of mineral that may be sold by a Government company or corporation:

Provided further that the Central Government, may by notification in the Official Gazette and for the reasons to be recorded in writing, amend the Sixth Schedule so as to modify the entries mentioned therein with effect from such date as may be specified in the said notification.]

(8) Notwithstanding anything contained in this section, the period of mining leases, including existing mining leases, of Government companies or corporations shall be such as may be prescribed by the Central Government.

[Provided that the period of mining leases, other than the mining leases granted through auction, shall be extended on payment of such additional amount as specified in the Fifth Schedule:

Provided further that the Central Government may, by notification in the Official Gazette and for reasons to be recorded in writing, amend the Fifth Schedule so as to modify the entries mentioned therein with effect from such date as may be specified in the said notification.

Explanation.—For the removal of doubts, it is hereby clarified that all such Government companies or corporations whose mining lease has been extended after the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 (10 of 2015), shall also pay such additional amount as specified in the Fifth Schedule for the mineral produced after the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2021.]

(9) The provisions of this section, notwithstanding anything contained therein, shall not apply to a mining lease granted before the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015

(10 of 2015), for which renewal has been rejected, or which has been determined, or lapsed.]"

04. Having considered the pleadings and documents available on record and also the submissions made at the Bar, coupled with the mandate of aforesaid provision of law, it would suffice to issue directions to the Respondents to consider and dispose of the representations made by the Petitioner in a time bound manner.

05. In the aforesaid circumstances, this Writ Petition is disposed of with a direction to the Respondents, particularly Respondent No.1 to consider and dispose of the representations made by the Petitioner within a period of two months.

06. **Disposed** of, along with the connected CM.

(Yash Paul Bourney)
Judge

SRINAGAR
October 21st, 2026
"TAHIR"

Tahir Manzoor Bhat
I attest to the accuracy and
authenticity of this
document