IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (C) No. 2610 of 2026

M/S Shiv Jyoti Stone Minerals, through its partner, Sudama Prasad Yadav, S/o Budhnath Yadav, R/o Village-Parodih, P.O.-Hemrodih, P.S.-Dhanwar, District-Giridih ….. Petitioner

Versus

1. The State of Jharkhand, through the Secretary, Department of Mines and Geology, Ranchi
2. The Mines Commissioner, Jharkhand, Ranchi
3. The Deputy Commissioner, Giridih
4. The District Mining Officer, Giridih ….. Respondents

CORAM

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner: Mr. Kanti Kumar Ojha, Advocate

For the State: Mr. Ratnesh Kumar, S.C. (L&C)-I

02/28.04.2026

1. Heard learned counsel for the parties.

2. This writ petition challenges the communications made by the respondents declining to entertain the petitioner's application for renewal of mining lease, on the ground that it was barred by the limitation prescribed under Rule 23(1) of the Jharkhand Minor Mineral Concession Rules, 2004 [said Rules].

3. Rule 23(1) of the said Rules prescribes that an application for renewal of the mining lease must be made a minimum of 90 days but not more than 180 days before the date of the expiry of the said mining lease.

4. Mr Kanti Kumar Ojha, learned counsel for the petitioner, points out that in the present case, such an application was barred by a delay of hardly one or two days and that too because the petitioner was suffering from dengue fever. He submitted that given the genuineness of the reason and the fact that the delay was of hardly one or two days, the same should have been

condoned by resorting to the provisions of Section 5 of the Limitation Act, 1963.

5. Mr Ojha further submitted that there was no provision in the said Rules that barred the application of the provisions of Section 5, or, in any event, the principles of Section 5 of the Limitation Act, 1963. He also referred to Section 29(2) of the Limitation Act to contend that, in the absence of any specific prohibition, the provisions of Section 5 of the Limitation Act ought to have been made applicable.

6. Mr Ratnesh Kumar, learned S.C. (L&C)-I, submitted that the Mining Officers, who are to consider applications for renewal of mining leases, are not "Court" nor do they discharge any quasi-judicial functions. Therefore, the provisions of Section 5 of the Limitation Act could not apply to their consideration of an application for renewal of a mining lease.

7. Mr Ratnesh also submitted that the issue is no longer res-integra because the learned Single Judge of this Court in the case of ***Sunil Kumar Chourasia vs State of Jharkhand through the Chief Secretary, Government of Jharkhand, Ranchi & Ors. [W.P. (C) No. 2992 of 2013],*** decided on 19.11.2014, has, in a specific context of Rule 23 of the said Rules, held that there is no power for condonation.

8. Mr Ratnesh Kumar further submitted that once there is no power to condone the delay, even this Court, exercising its jurisdiction under Article 226 of the Constitution, may not condone the delay. He also submitted that in this case, there is no explanation why, for the entire period of 90 days available to the

petitioner, no renewal was applied for. He submitted that in terms of the recent decisions of the Hon'ble Supreme Court, it is the duty of an applicant, even in a matter where the provisions of Section 5 of the Limitation Act apply, to explain why, during the entire permissible period, no prompt steps were taken.

9. For all these reasons, Mr Ratnesh submitted that the impugned communications ought not to be interfered with.

10. The rival contentions now fall for our determination.

11. As pointed out earlier, Rule 23 of the said Rules provides that an application for renewal must be filed at least 90 days and not more than 180 days before the date on which the lease in question is due to expire. Neither Rule 23 nor any other provision in the said Rules refers to the application of the provisions of the Limitation Act, 1963, including in particular Section 5 of the Limitation Act, when it comes to considering an application for renewal of a lease.

12. Upon considering the nature of the powers exercised by the authorities when considering an application for the renewal of a lease, we cannot say that the authorities in question are either a "Court" or exercising any quasi-judicial powers. Therefore, even by invoking Section 29(2) of the Limitation Act, we cannot agree that the provisions of Section 5 of the Limitation Act should be made applicable to an application to condone the delay in applying before a District Mining Officer or other authorities under the said rules for the renewal of a mining lease.

13. Recently, the Hon'ble Supreme Court in **The Property Company (P) Ltd v. Rohinton Daddy Mazda 2026 INSC**

33 after analysing the law and previous precedents on the subject held that the provisions of the Limitation Act, 1963 would apply to suits, applications or appeals which are made to 'Courts' and not to those made before quasi-judicial bodies or Tribunals, unless such quasi-judicial bodies or Tribunals are specifically empowered in that regard.

14. In **Officer on Special Duty (Land Acquisition) v. Shah Manilal Chandulal, 1996 (9) SCC 414**, the Hon'ble Supreme Court categorically held that Section 5 of the Limitation Act, 1963 cannot be invoked by statutory authorities that are not "Courts". The Court was concerned with whether the Collector or the Land Acquisition Officer could condone the delay and extend the time by resort to Section 5 of the Limitation Act, 1963. A similar view was expressed in **Prakash Jain v. Marie Fernandes, 2003 (8) SCC 431** and **Ganeshan v. Commission, 2019 (7) SCC 108.**

15. A Learned Single Judge of this Court, Hon'ble Justice Shree Chandrashekhar (as His Lordship then was) in the case of ***Sunil Kumar Chourasia*** (supra) has, in specific context of the said Rules, held that the District Mining Officer or the Mines Commissioner, who are statutory authorities under the scheme of the Jharkhand Minor Mineral Concession Rules, 2004, have not been vested with any power to condone the delay. Therefore, such statutory authorities were justified in dismissing the applications for renewal, which were filed beyond the prescribed limitation period under the said Rules.

16. In ***Sunil Kumar Chourasia's*** case, the learned Single Judge has considered several precedents emanating from the Hon'ble Supreme Court, including the decisions in the cases of ***Sakuru vs. Tanaji [(1985) 3 SCC 590]***, ***Birla Cement Works vs. G.M., Western Railways and Another [(1995) 2 SCC 493]*** and ***France B. Martin and Another vs. Mafalda Maria Teresa Rodrigues [(1999) 6 SCC 627].*** In those cases, the Hon'ble Supreme Court, in the context of similar arguments concerning the Collector acting under the Andhra Pradesh Tenancy Act, the Railway Claims Tribunal under the Railways Act, and the authorities under the Consumer Protection Act, held that such authorities were not vested with the powers of condonation prescribed under Section 5 of the Limitation Act, 1963. The Hon'ble Supreme Court held that the provisions of the Limitation Act would not apply to such authorities.

17. Learned Single Judge has also considered the decision of the Hon'ble Supreme Court in the case of ***Mangu Ram vs. Municipal Corporation of Delhi [(1976) 1 SCC 392]*** and held that the said decision would not apply and based upon the same, there was no question of holding that the District Mining Officer or the Mines Commissioner had the power to condone the delay in applying for renewal of mining lease.

18. Despite our repeated queries, we were not shown any decision in which the view of ***Sunil Kumar Chourasia*** (supra) was either reversed or even stayed. We were also not shown any contrary decisions in the context of the powers to condone the

delay in considering the applications for renewal of the mining lease.

19. In the case of ***Assistant Commissioner (CT) LTU, Kakinada and Others vs. Glaxo Smith Kline Consumer Health Care Limited*** reported in ***(2020) 19 SCC 681***, the Hon'ble Supreme Court has held that once the original authority does not have the power to condone the delay, this Court, exercising its extraordinary jurisdiction under Article 226 of the Constitution also cannot condone the delay by ignoring the statutory regime.

20. The arguments that the delay in this case is minimal or that the cause shown is impeccable are beside the point, once there is no power to condone the delay. In any event, in the case of ***Shivamma (Dead) by Lrs. Vs. In Karnataka Housing Board and Others*** reported in ***(2025) SCC OnLine SC 1969***, the Hon'ble Supreme Court held that even an antecedent delay must be explained, and it is not sufficient to explain only the delay beyond the prescribed period of limitation. This is because the issue of delay has to be considered holistically, and the conduct of the applicants seeking condonation of delay and the diligence they have shown are relevant considerations in such cases.

21. For all the above reasons, we cannot fault the impugned communications by which the petitioner's application for renewal of the mining lease has been rejected on the ground of limitation. In the absence of any power to condone the delay, there is no question of going into the issue of sufficient cause,

which may or may not have been shown by the petitioner when seeking condonation of the delay.

22. Accordingly, we dismiss this writ petition. No costs.

(M. S. SONAK, C.J.)

(RAJESH SHANKAR, J.)

28.04.2026
Vikas/AKT
A.F.R.
Uploaded on 29.04.2026