216 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-10429-2020 (O&M)
Date of Decision:28.01.2026

M/S ALERON CONSULTANTS (INDIA) PVT LTD. ....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS ….RESPONDENT(S)

CWP-24502-2018 (O&M)

M/S ALERON CONSULTANTS (INDIA) PVT LTD. ....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS ….RESPONDENT(S)

CWP-35485-2019 (O&M)

M/S ALERON CONSULTANTS (INDIA) PVT LTD. ....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS ….RESPONDENT(S)

CWP-1057-2021 (O&M)

M/S SHYAM JAINA RAM ....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS ….RESPONDENT(S)

CORAM:- HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON’BLE MR. JUSTICE ROHIT KAPOOR

Present: Mr. Chetan Mittal, Senior Advocate assisted by
Ms. Sehej Sandhawalia, Advocate
Mr. Himanshu Chauhan, Advocate
Mr. Ravindra Hooda, Advocate
for the petitioner in CWP-10429-2021, CWP-24502-2018 & CWP-35485-2019.

Mr. Amit Jhanji, Senior Advocate assisted by
Mr. Shashank Shekhar Sharma, Advocate
for the petitioner in CWP-1057-2021.

Mr. Nitin Kaushal, Addl., AG, Haryana.
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<u>ASHWANI KUMAR MISHRA, J.</u> *(Oral)*

1. Since the controversy involved in these writ petitions is identical, they are being dealt with together by this common judgment. The facts are extracted from CWP-10429-2020.

2. The petitioner, M/s Aleron Consultants (India) Private Limited, was granted a mining contract pursuant to an open auction held on 19.01.2015 for a sand mine at Bega Chandauli Pabnera Sand Mining Unit in District Sonepat over a total area of 45.22 hectares, of which 35.20 hectares fell within the riverbed and 10.02 hectares fell outside the riverbed. The mining lease was granted for a period of eight years w.e.f., 15.01.2016. The highest bid of petitioner was of Rs.9,52,00,000/- against the reserve price of Rs. 9,49,00,000/- per annum. The Letter of Intent (*LOI*) issued to the petitioners were subject to the condition that actual mining operations would commence only after obtaining Environmental Clearance (*EC*) from the competent authority, as required under the Notification dated 14.09.2006 issued by the Ministry of Environment, Forest and Climate Change, New Delhi.

3. In the present case, the EC was granted on 15.01.2016 only for the riverbed area measuring 35.02 hectares. No EC was granted in respect of the remaining area of approximately 10 hectares falling outside the riverbed. Mining activity therefore commenced on 05.02.2016 pursuant to the EC granted by the competent authority.

4. It further transpires that the National Green Tribunal (for short, '*NGT'*), *vide* order dated 23.12.2015, restrained contractors from carrying out mechanical mining in the riverbed. A consequential order

was passed by the Department on 24.02.2016, prohibiting mechanical mining in the riverbed until further orders. An issue arose as to whether the said restriction applied only to illegal mining or extended to legal mining as well. This issue was clarified by the NGT, holding that the embargo applied to legal mining also. It is in this context that certain demands were raised by the Department against the petitioners, which were not met on the ground that the allotted area stood substantially reduced due to denial of EC for the area outside the riverbed and, further, that mining activity could not be effectively undertaken as mechanized mining was prohibited.

5. The petitioners, therefore, contended that the demands raised by the respondents were unjustified. The correspondence between the parties ultimately culminated in the passing of an order dated 27.02.2020 by the Director General, Mines and Geology, Haryana, terminating the contract awarded to the petitioner. The appeal filed against the said order was also dismissed on 07.08.2020. Aggrieved by the said orders, the petitioners have approached this Court.

6. Learned Senior Counsel for the petitioner(s) submits that the grounds urged by the petitioners before the authorities while challenging the demand notice(s) were neither adverted to nor adjudicated upon, rendering both the orders unsustainable.

7. The writ petition is opposed by learned State counsel, who argues that notwithstanding the order passed by the NGT, the petitioners continued mining operations from 2016 onwards but failed to deposit the

contracted amount. It is further submitted that pursuant to an order passed by this Court in the year 2018, mechanized mining was undertaken by the petitioners, and therefore, the grievance that mining could not be carried out is unsustainable.

8. In rejoinder, learned Senior Counsel for the petitioners submits that although the order permitting mechanized mining was passed in May 2018, but actual mining commenced only after the rainy season in October 2018, and despite carrying out mining operations for nine months, the contract was cancelled on the ground of non-payment of the contractual amount for the period during which no mining was undertaken or mining was allowed in the reduced area.

9. Though various submissions have been advanced regarding the obligation of the petitioners to pay the demanded amount on account of stoppage of mining or reduced area of mining etc., but we find that neither of the impugned orders reflects any consideration or adjudication of the pleas raised by the petitioners. Although the authorities have noted the facts and contentions but there is no deliberation or finding on the material aspects, particularly with respect to the petitioners' objections. Though learned State counsel has tried to oppose the claim of the petitioners but he could not demonstrate any consideration on material aspects, contained in the order impugned. The contention of the respondents that a One Time Settlement (*OTS*) Scheme was launched and that the petitioners failed to avail its benefit cannot justify the impugned action, once we find that there is no consideration on relevant aspects in

the order impugned.

10. Since the factual aspects urged by the petitioners required determination by the competent authority, and such consideration is found wanting, we deem it appropriate, on this short ground alone, to ***allow*** the present writ petition(s) and remit the cause after quashing the impugned orders. The issues are remitted to the Director concerned for a fresh consideration of cause, after taking into account the facts of the case as well as the objections raised by the petitioners. The authority shall pass a fresh, reasoned order, preferably within a period of three months, in accordance with the terms of the contract and the applicable provisions of law.

11. It is clarified that the issues on merits have not been adjudicated by this Court and are left open for consideration by the competent authority, in accordance with law, at the first instance.

12. All pending miscellaneous applications, if any, stand disposed of.

13. A photocopy of this order be placed on the files of the connected cases.

[ASHWANI KUMAR MISHRA]
JUDGE

[ROHIT KAPOOR]
JUDGE

JANUARY 28, 2026
Rahul Joshi

1. Whether Speaking/reasoned Yes/No
2. Whether Reportable Yes/No