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**(2019) 04 RAJ CK 0061**  
**In the Rajasthan High Court**  
**Case No : Civil Writ No. 17479, 17794 Of 2018**

Anuj Bansal

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

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**Date of Decision :** 10-04-2019

**Acts Referred:**

Rajasthan Minor Mineral Concession Rules, 2017 — Rule 5(2), 5(3), 5(4), 16(2), 16(3), 16(4)

**Citation :** (2019) 04 RAJ CK 0061

**Hon'ble Judges :** Sangeet Lodha, J;Dinesh Mehta, J

**Bench :** Division Bench

**Advocate :** D.S. Rajvi, Sandeep Shah

**Final Decision :** Disposed off

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## Judgement

By way of this writ petition, the petitioner has challenged the vires of sub-rule (4) of Rule 5 of the Rajasthan Minor Mineral Concession Rules, 2017 (for short "The Rules of 2017"), which provides that in all cases covered by Rule 5, the conditions of Letter of Intent (LoI) including execution and registration of mining lease, shall be fulfilled within a period of one year from the date of commencement of the Rules of 2017, i.e. 28.02.2017, failing which the right of the LoI holders shall be forfeited and in such cases, it would not be mandatory for the Government to issue any order in this regard.

The controversy involved in the present writ petition stands covered by the decision of this Court rendered in DBCWP No.2996/2018- Bajri Lease LoI Holders Welfare Society Vs. State of Rajasthan & Ors. decided on 09.04.2019, and other connected petitions. The operative portion of the order reads as under: -

"For the aforementioned reasons, the vires of sub-rule (4) of Rule 5 of the Rules of 2017 is upheld. The right of the petitioners herein, the LoI holders, under the Rules of 1986, who have failed to fulfill the conditions of LoI within the time specified under sub-rule (4) of Rule 5 of the Rules of 2017, to claim consideration

and disposal of their application for grant of mining lease in terms of sub-rule (2) of Rule 5 read with sub-rule (2), (3) and (4) of Rule 16 of the Rules of 2017, shall stand closed. However, the matter with regard to the forfeiture of the application fee etc. on account of failure to fulfill the conditions of LoI within the stipulated or extended period shall be considered by the competent authority in accordance with the provisions of sub-rule (3) of Rule 5 or sub-rule (4) of Rule 16 of the Rules of 2017 as the case may be, after giving an opportunity of hearing to the petitioners herein. Needless to say that if aggrieved by the order to be passed by the competent authority under sub-rule (3) of Rule 5 or sub-rule (4) of Rule 16 of the Rules of 2017, the petitioners shall be at liberty to question the legality thereof by availing an appropriate remedy available under the law."

Accordingly, this writ petition is also disposed of in the light of decision of this Court in Bajri Lease LoI Holders Welfare Society (supra).