

(2021) 03 P&H CK 0153

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 11749 Of 2020 (O&M)

Friends And Company

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 12-03-2021

Acts Referred:

Citation : (2021) 03 P&H CK 0153

Hon'ble Judges : Rajan Gupta, J;Karamjit Singh, J

Bench : Division Bench

Advocate : Gurminder Singh, R.P.S. Bara, Sahil Sharma

Final Decision : Disposed Of

Judgement

Rajan Gupta, J

Case has been heard through video conferencing on account of COVID-19 Pandemic.

Petitioner is aggrieved against order dated 25.6.2020 (Annexure P-10 herein). Order reads as under : -

"On the subject cited above and in continuation of the letter under reference, it is written to you that your agency had been allotted mining Block No.5 through e-auction whose temporary approval had been issued by this office on dated 31.07.2019. As per the terms and conditions of the e-auction after four months of the issuance of temporary approval the time period of the contract is to start which is dated 01.12.2019. So the payment of the installment of the contract from dated 01.12.2019 needs to be done by you. But you have deposited only one installment in the form of advance E.M.D. The following amount is required to be deposited by your agency :

S.NO.

Time period

Rs

Special Remarks

1.

01.12.2019-20.02.2020

8,60,00,000.00

Has

been

deposited

as

advance in

the

form of E.M.D.

2.

01.03.2020-31.03.2020

2,92,16,438.00

Balance

and from 15.03.2020 to

Installment

30.06.2020 along with

18% interest

15,41,667.00

3.

01.04.2020-30.06.2020

8,60,00,000.00

Balance

15.04.2020-30.06.2020

Installment

along

with

18%

32,23,232.00

interest

Amount to be paid till dated 30.06.2020 - Rs.119981337.00 T.C.S. @ 2% - Rs. 23,99,626.00 Total amount - Rs.12,23,80,963.00

Therefore, it is instructed to you that within 7 days from the receipt of this letter by contacting with the office, the above amount be got deposited otherwise it would be written to the higher officers for cancellation of your contract under the Miner Mineral Rules.

Executive Engineer-cum-District Mining Officer Mining Division, Amritsar"

At the outset, a query has been put to Mr. Sharma learned counsel representing the State whether an opportunity of hearing can be afforded to the petitioner and a detailed speaking order can be passed, he does not express any difficulty in that regard. Mr. Sharma submits that order can be passed by Director (mining).

Under the circumstances, present writ petition is disposed of with the observation that in case petitioner files reply/representation to the impugned notice within a week from today, a decision thereon shall be taken by way of speaking order within 10 days thereafter. If necessary, an opportunity of hearing be also afforded to the petitioner before passing an order. Till then proceedings pursuant to the impugned order/notice be kept in abeyance.