
(1988) 10 RAJ CK 0003
In the Rajasthan High Court
Case No : Civil Writ Petition No. 822 of 1988

Mohan Lal Agrawal

APPELLANT

Vs

Government of India and Others

RESPONDENT

Date of Decision : 26-10-1988

Acts Referred:

Mines and Minerals (Development and Regulation) Act, 1957 — Section 30

Citation : (1988) WLN 536

Hon'ble Judges : M.B. Sharma, J;I.S. Israni, J

Bench : Division Bench

Judgement

M.B. Sharma, J.—Against the implied refusal to grant renewal of the mining lease of the petitioner, the petitioner preferred a revision petition u/s 30 of the Mines and Minerals (Regulation and Development) Act, 1957 before the Central Government. The Central Government under its order Annexure-5 dated February 19, 1988 took a view that as the mining lease of the petitioner expired on March 25, 1985 and the application for renewal was filed on December 22, 1984, and the same has not yet been considered by the State Government, the petitioner should seek his redress from the State Government.

2. It is not disputed that after the initial grant of a mining lease for mineral lime stone the petitioner was granted two renewals and the third renewal of the mining lease of the petitioner became due on March 26, 1985. The petitioner who should have applied for renewal before six months of the expiry of the mining lease could not make an application for renewal before six months as aforesaid and the application for renewal with the requisite late fee in accordance with Rule 17(2) of the Rajasthan Minor Mineral Concession Rules, 1977 was filed on December 22, 1984. That application for renewal, it appears was not disposed of and the petitioner treating it as deemed refusal of third renewal, preferred a revision petition before the Central Government and the Central Government directed the petitioner to seek his redress from the State Government.

3. Notice of the petition was given to the non-petitioners and we are of the

opinion that in view of submissions made by Mr. Sharma on behalf of non-petitioner No. 3 that it is a case of deemed refusal, it was not necessary to file any reply.

4. There is no specific provision in the Rajasthan Minor Mineral Concession Rules, 1977 of deemed refusal, but under the Explanation to Rule 64 of those Rules on the failure of disposal of the application for renewal or grant of mining lease it was to be deemed that the same has been refused and the competent authority will be deemed to have made an order refusing the grant of renewal of mining lease on the expiry on the date on which the period for disposal of application was expired. We see no reason as to why the application for renewal, which, though not filed before six months of the expiry of the mining lease, but was filed along with late fee as required under Rule 17(2) could not be disposed of within the period specified. Mr. Sharma could not assign any reason for not disposing of the application for renewal within the specified period. The petitioner had applied for renewal in accordance with the Rules along with the late fee and he expected that there being nothing adverse against him, the third renewal will be granted to him.

5. In the facts and circumstances of this case we set aside the order of deemed refusal and direct the Director, Mines and Geology/State Government to now dispose of the application of the petitioner for third renewal of his mining lease. The application should be disposed of as soon as possible, but in no case more than nine months, the statutory period prescribed for disposal of the application for mining lease. Costs made easy.