
(2019) 05 RAJ CK 0004

In the Rajasthan High Court

Case No : Civil Writ Petition No. 1660 Of 2019

M/s. Shree Marble Mines

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 01-05-2019

Acts Referred:

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

Citation : (2019) 05 RAJ CK 0004

Hon'ble Judges : Sangeet Lodha, J;Abhay Chaturvedi, J

Bench : Division Bench

Advocate : D.P.S. Charan, Vikas Balia, Sandeep Shah

Final Decision : Disposed Off

Judgement

1. By way of this writ petition, the petitioner has questioned the validity of Sub-Rule (4) of Rule 5 of the Rajasthan Minor Mineral Concession Rules, 2017 for short, '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.

2. The controversy involved in the present writ petition stands covered by the decision of this Court dated 09.04.2019 rendered in D.B. Civil Writ Petition No.2996/2018 (Bajri Lease LoI Holders Welfare Society Vs. State of Rajasthan & Ors.) 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 (3), (4) and (5) 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 and forfeiture of the right for consideration of the application any further, shall be considered by the competent authority in accordance with the provisions of sub-rule (3) of Rule 5 of the Rules of 2017, after giving an opportunity of hearing to the petitioners herein. Needless to say that the petitioners, if aggrieved by the order to be passed by the competent authority under sub-rule (3) of rule 5 of the Rules of 2017, shall be at liberty to question the legality thereof by availing an appropriate remedy available under the law."

3. Accordingly, the present writ petition is also disposed of in light of decision of this Court in Bajri Lease LoI Holders Welfare Association's case (*supra*).