

(2014) 09 JH CK 0058

In the Jharkhand High Court

Case No : Writ Petition (Civil) No. 5225 of 2014

Tata Steel Limited

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 26-09-2014

Acts Referred:

Mines and Minerals (Development and Regulation) Act, 1957 — Section 8(3)

Citation : (2014) 4 FLT 913

Hon'ble Judges : S. Chandrashekhar, J

Bench : Single Bench

Advocate : Binod Kanth, Gopal Jain, Sr. Advocates, Nandini Gore, Indrajit Sinha and Ganesh Pathak, Advocate for the Appellant; Rajesh Shankar, G.A. and Abhay Prakash, Advocate for the Respondent

Judgement

S. Chandrashekhar, J.—The writ petition on being mentioned before the Hon''ble Division Bench, has been directed to be listed today.

2. Aggrieved by letter dated 3/4.09.2014 whereby, the petitioner-company has been directed to stop mining, it has approached this Court by filing the present writ petition.

3. The petitioner is represented by Mr. Binod Kanth and Mr. Gopal Jain, the learned Senior counsels, assisted by the counsel Ms. Nandini Gore, Mr. Indrajit Sinha and Mr. Ganesh Pathak. The respondents are represented by Mr. Rajesh Shankar, G.A. assisted by the counsel Mr. Abhay Prakash.

4. The learned Senior counsel for the petitioner-company submits that the mining lease with respect to Noamundi Mines was granted to the petitioner-company way back in the year, 1922 for 30 years which was renewed in the year, 1952. Subsequently, the mining lease for Noamundi Mines was again renewed in the year, 1981 and it was due for further renewal in the year, 2011. More than one year before the expiry of the mining lease, the petitioner-company submitted an application on 17.12.2009 for grant of renewal of the mining lease.

In the meantime, the report of the Indian Bureau of Mines was also received by the State Government and the State Government itself wrote a letter to the Central Government opining that the condition contained in Section 8(3) of the Mines and Minerals (Development and Regulation) Act, 1957 may be relaxed in the case of petitioner-company however, ignoring its own communication/recommendation, the State Government has issued impugned letter directing the petitioner-company to stop mining of Iron Ore in Noamundi, forthwith. It is submitted that in the light of the said report, the State Government was required to take a decision. For more than 5 years after the application dated 17.12.2009 was submitted, no decision has been taken by the State Government for renewal of the mining lease in favour of the petitioner-company. It is thus, submitted that the action of the respondents in issuing communication dated 3/4.09.2014 is illegal, arbitrary and contrary to the provisions of the Mines and Minerals (Development and Regulation) Act, 1957.

5. Mr. Rajesh Shankar, the learned counsel appearing for the respondent-State of Jharkhand has submitted that in view of decision of the Hon"ble Supreme Court in "Goa Foundation Vs. Union of India" [W.P. (C) No. 435 of 2012] and the amendment in Rule 24A(6) of the Mineral Concession Rules, 1960, the State Government was under a duty to pass necessary orders in the cases in which the licencees were claiming benefit of the provision for deemed extension for second or subsequent renewals.

6. In reply, the learned Senior counsel appearing of the petitioner-company has submitted that the order in W.P(C) No. 435 of 2012 has been considered by the Hon"ble Supreme Court in "Common Cause Vs. Union of India & Ors." [W.P.(Civil) No. 114 of 2014] and it has been observed by the Hon"ble Supreme Court that the State Government is required to take a decision immediately on the applications seeking renewal of the mining lease. It is submitted by the learned Senior counsel appearing for the petitioner-company that the respondent no. 1 should take into consideration the materials brought on record before this Court including communication dated 20.08.2014 and any other material which the petitioner-company desires to produce before the respondent no. 1.

7. From the materials brought on record, it is apparent that though the petitioner-company moved an application on 17.12.2009 seeking renewal of mining lease for Noamundi Mines, the State Government has not taken a decision as yet. It is stated that inaction on the part of the State Government led to closure of the mines of the petitioner-company from where the petitioner-company procures about 60 % of the Iron Ore. It is submitted that the total annual production of the petitioner-company is about 10 million tones and the effect of the order dated 3/4.09.2014 is, total collapse of production of the petitioner-company.

8. In view of the rival submissions, I feel that the State Government should take a decision immediately on the application of the petitioner-company seeking renewal of mining lease. Let a decision be taken by the respondent no. 1 considering the materials produced before this Court including the

communication dated 20.08.2014 and any other material which the petitioner-company desires to produce before the respondent no. 1. Accordingly, the respondent no. 1 is directed to take a decision on the application of the petitioner-company for renewal of the mining lease for Noamundi Mines on or before 06.10.2014 and let it be produced before this Court on or before 09.10.2014. It is made clear that no further extension of time would be granted and the matter would be decided on the basis of materials already brought on record. The parties are permitted to file additional affidavits.

9. Post the matter on 09.10.2014 under the heading "For Final Disposal."

10. Let a copy of this order be given to the learned counsel for the parties.