

2025:PHHC:114864-DB



CWP-4928-2025 (O&amp;M)

Date of Decision: 27.08.2025

Sumit Taneja

...Petitioner

V.

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA  
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Atul Lakhanpal, Sr. Advocate assisted by  
Mr. Sidharth Chawla, Advocate for the petitioner.

Mr. Amit Kumar Goyal, Addl. AG, Punjab.

\*\*\*

**ASHWANI KUMAR MISHRA, J. (Oral)**

1. This writ petition seeks to challenge an order dated 10.02.2025, passed by the Executive Engineer, District Mining Officer, Mines and Geology Department, Jalandhar, Punjab, whereby the petitioner has been denied exemption from payment of installment of mining dues for the period 14.10.2020 to 12.12.2020.

2. It transpires that a mining lease was allotted to the petitioner in respect of village Pipli, Hadbast No.357/4.451 hectare, Tehsil Shahkot, District Jalandhar, in an open auction held on 05.07.2017. As per the approved mining plan, the petitioner had access to the mining site from three different routes. One of the routes passes through Dhushi Dam on Satluj River. According to the petitioner, the other two routes were not permitted to

be accessed due to various reasons and he could mine only through the passage over the Dhusi Dam on Satluj River. It is asserted that on account of certain complaints made and an order passed by the High Court, movement over Dhusi Dam of Satluj River was stopped. Ultimately, pursuant to an order passed by this Court in CWP-1325-2020 dated 14.10.2020, the movement for mining over Dhusi Dam was allowed by observing as under:-

*“Petitioner-Sumit Taneja has approached this Court by way of filing the present writ petition for issuance of direction to respondents No.3 to 6 for granting permission to him to use the passage of 5/L Burji 140250 to 147400 upto dam as gateway for duly approved mining plan of mine mineral contract of village Pipli Hadbast No.357 measuring 4.451hectares Tehsil Shahkot, District Jalandhar as awarded in open auction held on 05.07.2017 and also for quashing of order dated 30.12.2019 whereby, the passage over the Dhusi Dam on Satluj River was stopped. A three members Committee submitted its report dated 18.06.2020 after thorough inspection of the passage wherein not only measurements of the road including length and width has been mentioned but it has also been mentioned that this passage is more than the designed width and the same is satisfactory. It has also been mentioned in the affidavit filed by the Deputy Commissioner, Ludhiana that the bundh has been found motorable without any kind of pit holes.*

*The inspection report along with photographs is also on record as Annexure A-2. Learned counsel for the petitioner also submits that the petitioner has undertaken to maintain the road as per terms and conditions mentioned in the undertaking (Annexure P-10).*

*In view of the inspection report submitted by the Committee and the undertaking given by the petitioner, order dated 30.12.2019 (Annexure P-6), whereby, the passage over the Dhusi Dam on Satluj River was stopped, is set-aside. Respondents No.3 and 4 are directed to allow the petitioner to use that passage for*

*mining subject to conditions as mentioned in the undertaking (Annexure P-10).”*

3. The aforesaid order made it clear that mining was to be allowed to the petitioner (the present petitioner) subject to the conditions as mentioned in the undertaking contained in Annexure P/10. It transpires that the undertaking which was required to be furnished by the petitioner, was submitted in the format (Annexure P/10) on 03.12.2020. It is thereafter that on 10.12.2020, mining was allowed to be carried out by the petitioner under the orders passed by the Chief Engineer.

4. According to the petitioner, the benefit of exemption from depositing the installments ought to have been extended up to 10.12.2020 and should not have been limited up to 14.10.2020. Rejection of the petitioner's claim in that regard vide order impugned, therefore, is a subject matter of challenge herein.

5. Learned senior counsel for the petitioner submits that the authorities could have allowed the petitioner to resume mining through the passage on the bridge subject to tendering of an undertaking which was not done. He further submits that the petitioner kept on contacting the authorities and for any delay attributable to the respondents, the petitioner cannot be made to suffer.

6. Learned counsel for the State of Punjab, on the other hand, submits that pursuant to the orders of this Court dated 14.10.2020, the right to passage over the bridge was secured subject to the petitioner furnishing an undertaking. It is urged that the petitioner was at fault for having not submitted the undertaking till 03.12.2020 and therefore, the petitioner cannot claim any benefit of the period for which he himself is to be blamed.

7. Perusal of the record would clearly reveal that disruption for the petitioner in mining was on account of the order passed by this Court on 27.01.2020, stopping any movement on the Satluj Bridge. This embargo was lifted pursuant to subsequent orders passed by this Court on 14.10.2020. Once, this Court had made it clear that the respondents would allow the petitioner to continue mining on his furnishing an undertaking, the petitioner was very well aware that he has to submit the undertaking on the prescribed format i.e. Annexure P/10. There is nothing on record to show that the petitioner made any attempt to submit the undertaking prior in point of time and that it was not accepted. The undertaking ultimately has been submitted by the petitioner only on 03.12.2020 and within a week thereafter, the petitioner has been allowed to resume mining.

8. In such circumstances, we find that there was a delay on the part of the petitioner in submitting the undertaking, for which, the responsibility cannot be shifted upon the State.

9. In that view of the matter, we find the decision of the authorities in declining benefit of moratorium between 14.10.2020 to 10.12.2020 to be based on material on record which cannot be said to be arbitrary and illegal.

10. So far as the petitioner's contention with regard to lack of petitioner's ability to mine due to Covid is concerned, that does not appear to be the reason on account of which the petitioner was prevented from mining. The only reason reflected from the record on account of which the petitioner could not undertake mining was denial of passage through the Satluj Bridge. The exigency once was taken care of by the orders of this Court dated 14.10.2020, the petitioner cannot fallback on the exigency of Covid to justify his delay in submitting the undertaking.

11. Therefore, we do not find any error in the decision of the authorities in declining benefit of moratorium between 14.10.2020 to 10.12.2020. The writ petition fails and is accordingly dismissed.

12. All pending misc. application(s), if any, also stand disposed of.

**(ASHWANI KUMAR MISHRA)**  
**JUDGE**

**(ROHIT KAPOOR)**  
**JUDGE**

27.08.2025  
rajesh

1. Whether speaking/reasoned? : Yes/No  
2. Whether reportable? : Yes/No