



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

1 RA-CW-51-2023 (O&M) in
CWP-29320-2022
Date of decision: 25.07.2025

Surjit SinghApplicant-Petitioner

V/s

State of Punjab and othersNon-applicant-Respondents

**CORAM: HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Lakhwinder Singh Mann, Advocate,
for the applicant-petitioner.

Mr. R.S. Pandher, Addl. Advocate General, Punjab.

VIKRAM AGGARWAL, J.

The instant application, preferred under Section 114 CPC, seeks review of order dated 19.12.2022 passed by a coordinate Bench in CWP-29320-2022.

2. In the said writ petition, applicant-petitioner had assailed order dated 12.12.2022 (Annexure P-12), vide which representation dated 03.11.2022 (Annexure P-7) submitted by applicant-petitioner was rejected.

3. The case set up by applicant-petitioner was that he was allotted the Sand Mining Pit at Village Kaimwala, District Jalandhar on 18.10.2017. A contract in writing (Annexure P-1) was executed on 27.11.2019 (actually the date is 27.11.2017). As per the same, duration of contract was five years, the last date being 25.10.2022. Applicant-petitioner could extract up to 60000 MT of minor minerals per annum from the said quarry. It was further provided that applicant-petitioner could extract 15000 MT within a period of three months. However, if he exceeded 15000 MT



within these three months, he would have to deposit further installment for three months.

4. It was averred that mining operations commenced in November 2018, and continued till 21.03.2020, after which Covid-19 struck and curfew/lock down was imposed w.e.f. 22.03.2020. In the meantime, applicant-petitioner had paid advance installment of three months from 01.01.2020 to 31.03.2020.

5. Applicant-petitioner preferred CWP-7926-2020. Vide order dated 30.10.2020 (Annexure P-4), permission was granted to the petitioner to restart the quarry subject to payment of the outstanding amount.

6. He kept on running the quarry till 25.10.2022. 52 days time had been granted to the petitioner by the department till 15.12.2022. It was his case that though 52 days were granted, he was granted permission to extract minerals only up to 11345 MT instead of 60000 MT.

7. Aggrieved by action of the department, representation dated 03.11.2022 (Annexure P-7) was submitted by the petitioner, which was rejected vide the impugned order 12.12.2022 (Annexure P-12).

8. Said order was challenged in CWP-29320-2022, which was dismissed by a co-ordinate Bench on 19.12.2022.

9. Sole grievance in the instant review application is that the total extractable quantity was not uploaded on the online portal of Punjab Government as a result of which, petitioner could not extract the same. It is stated that this stand was taken at the time of hearing of the writ petition also. It is the case of the applicant-petitioner that the quantity to be extracted for the year 2019-20 was 53000 MT but on the online portal,



extractable quantity for additional 52 days was only 11345 MT.

10. After disposal of the writ petition, applicant-petitioner sought information under the provisions of the Right to Information Act, 2005 (for short the “RTI Act”) as per which, it was admitted that on the online portal, the total quantity was not reflected.

11. In the reply submitted by non-applicant-respondents, certain preliminary objections have been raised. It has been averred that for obtaining documents under the RTI Act, the application was moved on 19.12.2022 i.e. the date on which the writ petition was dismissed. It has been averred that applicant-petitioner is, therefore, trying to fill up the lacuna. On merits also, a similar stand has been taken and it has been averred that there is no error apparent on the face of the record and, therefore, the review application deserves to be dismissed.

12. We have heard learned counsel for the parties.

13. Learned counsel for applicant-petitioner, while referring to the documents annexed with the review application, submits that the online portal reflected only 11345 MT as a result of which, applicant-petitioner could not have extracted the remaining quantity of minerals.

14. Though learned counsel representing the State of Punjab opposes the prayer for review/recall of the order dated 19.12.2022, he fairly concedes that on the online portal, extractable quantity of the minerals was 11345 MT and that the applicant-petitioner could not, therefore, have extracted any quantity of minerals beyond this quantity.

15. We have considered the submissions made by learned counsel for the parties.



16. The writ petition was dismissed vide order dated 19.12.2022, which reads as under:-

“Challenge in this writ petition is to the order dated 12.12.2022 (Annexure P-12) passed by the Chief Engineer, Mining Department, Department of Mines and Geology, Punjab respondent No.3, whereby the representation submitted by the petitioner, dated 03.11.2022 (Annexure P-7), which was ordered by this Court to be decided vide order dated 05.12.0222 (Annexure P-11), stands rejected.

“It is the contention of the learned counsel for the petitioner that unless it is indicated that he could extract the total amount which he could have as per the contract extracted, the petitioner could not have extracted the minor minerals in the allotted block. He contends that initially, because of the COVID-19 pandemic and the lockdown which had taken place, petitioner approached this Court by way of a writ petition i.e. CWP No.7926 of 2020, which was decided by this Court on 30.10.2020 (Annexure P-4). The grievance, which was highlighted therein, was with regard to the period for which the mining could not be made operational leading to non-extraction of the minor minerals. A mandamus was sought not to charge for three months installment from the petitioner for the period April, 2020 to June, 2020 and it is, in this context, the petitioner had approached this Court with such grievance. The said writ petition was disposed of as referred to above on 30.10.2020 when the following order was passed:-

"By this petition, the petitioner has challenged the action of the respondents in claiming the three months advance installments of lease money for the mining operation.

Today, it has been agreed that the petitioner will deposit an outstanding amount on or before 1.12.2020 in four equal weekly installments starting from 9.11.2020.

Counsel for the respondents has further stated that as a general measure all such contracts will be extended for 52 days (duration of the lockdown).

However, it is made clear that in the event of any default, the respondents would be at liberty to take action as per law.

In this view of the matter, the petition stands disposed of.

Since the main case has been decided, the pending miscellaneous application, if any, also stands disposed of."



Perusal of the above order would indicate that the grievance as regards the petitioner was, therefore, taken note of earlier qua the period and he was granted extension for the period of 52 days treating that period to be non-operational for mining due to the national lockdown. Order dated 09.12.2020 (Annexure P-5) had been passed, which protected and entitled the petitioner to extract the amount agreed to as per the initial mining contract.

Nothing has been indicated which would show that there was any impediment with regard to the extraction of the said quantity of minerals. The only plea which has been sought to be projected by the counsel for the petitioner is that in the portal of extraction of the minor minerals, the said amount of minor minerals was not reflected.

This contention of the learned counsel for the petitioner cannot be accepted as the impugned order dated 12.12.2022 (Annexure P-12) clearly mentions that there was no impediment at the hand of the petitioner for non-full allotted excavating the full allotted permitted quantity of the minor minerals. Since the petitioner has himself failed to extract the quantity as allotted to him, he cannot now, after the expiry of extended period of 52 days as granted to him and beyond the period of contract, be permitted to lift the remaining quantity for the allotted site. The rejection of the claim of the petitioner by the Chief Chief Engineer, Mining Department, Department of Mines and Geology, Punjab respondent No.3 vide impugned order dated 12.12.2022 (Annexure P-12), thus, cannot be faulted with.

Finding no merit in the present writ petition, the same stands dismissed.”

17. A perusal of the aforesaid shows that applicant-petitioner had been non-suited primarily on the ground that there was no impediment for applicant-petitioner to extract the fully allotted permissible quantity of the mines and minerals and that since he had failed to extract the quantity allotted to him, he could not be permitted to lift the remaining quantity after expiry of the extended period of 52 days.

18. Once it has been conceded that the online portal depicted only 11345 MT as the extractable quantity, stand taken by State Government that there was no impediment to prevent the petitioner from extracting the entire

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quantity within the stipulated period, therefore, he could not be permitted to extract the quantity beyond 52 days falls to the ground. Matter at hand, therefore, clearly requires reconsideration.

19. That being so, the present application is allowed. Order dated 19.12.2022 passed in CWP-29320-2022 is recalled and writ petition is restored to its original number.

To be listed as per Roster.

(LISA GILL)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

July 25, 2024
vcgarg

Whether speaking/reasoned:
Whether reportable:

Yes
No