



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3458]

**THURSDAY ,THE TENTH DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

IA 1 OF 2025

IN

WRIT PETITION NO: 7062/2025

Between:

Sri Bhagwan Mines

...PETITIONER

AND

Union Of India and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.JYOTHI ESWAR GOGINENI

Counsel for the Respondent(S):

1.V VENKATA NAGA RAJU(CENTRAL GOVT COUNSEL)

2.GP FOR MINES AND GEOLOGY

The Court made the following:

ORDER:

Heard Smt. Jyothi Eswar Gogineni, learned counsel for the petitioner and learned Government Pleader for Mines and Geology appearing for the respondents.

2. The relief sought by the petitioner is for a direction to the respondents to consider it's application for renewal of the lease, in terms of

the notification issued by the Government of India dated 20.02.2025. Pending disposal of the writ petition, the petitioner has sought for grant of dispatch permits.

3. The learned counsel for the petitioner, Smt. Jyothi Eswar Gogineni submits that the mining lease for Mica, Quartz, Feldspar, was initially granted in 1997 in favour of one Sri G. Narayana Sheety over an extent of 81.58 Acres. The said license was transferred in favour of the petitioner on 07.11.2007 valid up to 26.02.2017. The mining lease deed was executed on 01.02.2008. The petitioner filed a renewal application on 27.10.2015 seeking to renew the license that would expire by 26.02.2017. The Assistant Director of Mines and Geology, Nellore, has recommended the petitioner's case for extension, and the 3rd respondent issued a Letter of Intent for grant of renewal *vide* proceedings dated 05.01.2017. The petitioner was required to submit Environmental Clearance and Consent to Operate and the same was submitted on 29.06.2019. Subsequently, the government changed its mining policy in 2022 amended the applicable Rule. It is contended that in pursuance thereof, the petitioner has paid the premium amount equal to 10 times dead rent. The petitioner sought an extension of the Mining Scheme. Accordingly, the Mining Scheme was approved, which is valid up to 31.03.2027, subject to the grant of renewal of the mining lease. However, the lease was not renewed. In view of the same, the learned counsel for the petitioner vehemently argues that pending consideration of the lease renewal, the

respondents may be directed to issue dispatch permits, as were granted earlier. She further contends that in view of the amendment made to the provisions of the MMDR Act, removing the subject mineral from the category of Minor mineral and placing it under the Major mineral category, and the notification issued by the Government of India, in connection thereto, dated 20.02.2025, the mining lease granted before 2015 would automatically get extended up to 2030 or 50 years from the date of grant of such lease, whichever is later. She thus urges that the petitioner is entitled to the issuance of dispatch permits.

4. The learned government pleader for Mines and Geology would argue that the renewal of lease was never granted in favour of the petitioner. Therefore grant of renewal in terms of the notification issued by the government of India would not arise. Therefore the petitioner is not entitled for issuance of dispatch permits.

5. The contention of the petitioner is that it has always complied with the applicable statutory compliances. Although, the respondents did not pass a formal order of renewal however they have been permitting the petitioner to carry on the mining operations and dispatch permits have also been issued in the past. Letter of Intent was also issued and mining scheme valid upto 31-03-2027 was also issued. In view of the latest amendment to the Act, the petitioner is entitled for renewal of the lease.

6. The notification provides that the **existing lease holders** should prepare and submit a mining plan for approval by IBM on or before 30-03-2025, pending such approval they are permitted to continue to operate the mines and dispatch the mineral basing on the existing mining plan. It further provides that the existing lease period of the existing leases of mineral Barites, Feldspar and Mica and Quartz are governed by the provisions of the Mines and Minerals (Development and Regulation) Act. The lease period granted after the amendment to MMDR Act, 2015, shall be for the period of 50 years. In cases of leases granted before the commencement of MMDR Amendment Act, 2015, the lease period shall be extended and be deemed to have been extended up to a period ending on 31st March, 2030, in case of captive mines with effect from the date of expiry of the period of renewal last made or till the completion of renewal period, if any, or a period of 50 years from the date of grant of such lease, whichever is later.

7. In the instant case, the lease was never extended after its first expiry in 2017. As per the proceedings of the 3rd respondent dated 05.01.2017, the petitioner was required to submit the necessary certification from Pollution Control Board within a period for six months from the date of the said order, i.e. 05.01.2017. However, the same was submitted by the petitioner belatedly, on 29.06.2019. Therefore, the lease was not extended. Thereafter in view of the new mining policy, the petitioner approached the authorities for grant renewal of lease. The petitioner may have paid the

amounts towards statutory compliances before seeking extension; nevertheless, whether the petitioner is entitled to an extension of lease in terms of the notification of the Government of India, dated 20-02-2025 can only be considered after the respondents file the respective counter-affidavits.

8. The contention of the petitioner is that the lease is deemed to have been extended in terms of the *proviso* to Rule 13, is not a correct proposition in as much as the *proviso* to the said Rule would apply only if the lease was subsisting as on the date of making application for renewal of the lease. The learned counsel's further contention that in view of the approval of the mining scheme, the authorities are bound to give dispatch permits also may not merit consideration in as much as it has been specifically mentioned therein that the same is subject to grant of execution of lease deed. The said proceedings by themselves would not amount to the granting of a license to the petitioner either for mining or transporting the mineral excavated. The petitioner never had any valid lease after its expiry in 2017. The petitioner has filed an application afresh seeking renewal under the Andhra Pradesh Minor Mineral Concession Rules, 2022, was not granted. In the meanwhile, the amendment has come into effect, removing the subject mineral from the category of Minor mineral, placing the same under the category of Major mineral. The learned counsel for the petitioner urges that the respondents have all the while been issuing dispatch permits, and it is only now that they have stopped the issuance of such permits. The said contention of the

petitioner also lacks merit since there has been no lease executed in favour of the petitioner, after its expiry in 2017 and even if the respondents have issued any such permits under a misnomer or irregularly, this Court cannot let such irregularity continue perpetually. Therefore, the relief sought by the petitioner seeking issuance of dispatch permits pending consideration of his application for renewal of lease does not merit consideration. Hence the Interlocutory Application is dismissed.

WRIT PETITION NO: 7062/2025

Post on 05.05.2025.

JUSTICE KIRANMAYEE MANDAVA

Date:10.04.2025

ANI/MVK