



2026:CGHC:4035-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 310 of 2026

1 - M/s Sunil Kumar Patel (Amdiha Sand Mine) Through Prop. Sunil Kumar Patel, S/o Panchram Patel, Aged About 45 Years, Address - H. No. 105, Bore Raigarh, District Raigarh Chhattisgarh.

... Petitioner(s)

Versus

1 - State of Chhattisgarh Through The Director, Directorate of Geology And Mining, Indravati Bhawan Nava Raipur, District Raipur Chhattisgarh.

2 - The Member Secretary State Level Expert Marketing Committee, Ministry of Environment, Forest, And Climate Change, Atal Nagar, Nava Raipur, District Raipur Chhattisgarh.

3 - Mining Officer (Collector Office) Mining Department Jashpur District Jashpur Chhattisgarh.

4 - The Collector Jashpur District Jashpur Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Shubham Tripathi, Advocate.
For State	:	Shri P.K. Bhaduri, Dy. Advocate General.

Hon'ble Shri Justice Ramesh Sinha, CJ

Hon'ble Shri Justice Ravindra Kumar Agrawal, J

Order on Board

23.01.2026.

Per, Ramesh Sinha, CJ.

1 The petitioner has filed this petition under Article 226 of the Constitution of India seeking following relief/prayer:

"10.1. That, the Hon'ble Court may kindly allow the petition and direct the respondent No.1 to return the security deposit of the petitioner amounting to Rs. 3,00,000/- along with the interest of 12% from the date of filing of rejection of the tender.

10.2. That, the respondents may kindly be directed to decide the representations of the petitioner, in the interest of justice.

10.3 Any other relief which deemed fit and proper may also be issued looking to the facts and circumstances of the case and looking to the interest of the petitioner.”

- 2 Learned counsel for the petitioner would submit that the petitioner was allotted the work of sand mining at IB River Mineral Ordinary Sand Mine on Khasra No.1, Area 3.00 Hect. at village Baluvabahar Amdiha, Tehsil Farsabahal vide order 05.11.2019. In compliance of the conditions of the work order, the petitioner deposited the security amount of Rs.3,00,000/- by way of bank guarantee bearing bank guarantee No.9425IPEBG190009 on 13.11.2019. After submission of bank guarantee, the respondent authority have changed the place of mining and rejected the allotment order dated 05.11.2019 issued in favour of the petitioner vide order dated 04.06.2021 and passed the order of rejection of Letter of Intent (in short, LOI) on 09.11.2023. The petitioner made his representation to the respondent authorities for refund of his security deposit but the said amount has not been refunded till date despite making repeated representations which constrains the petitioner to file the present writ petition for the aforesaid reliefs. He would further submit that non refund of the amount is arbitrary and against the principles of natural justice. The petitioner is in huge financial loss as he is a small contractor Therefore, the respondent authorities may be directed to refund the security deposit of the petitioner along with accrued interest.
- 3 On the other hand, learned counsel for the State opposes the submissions made by the counsel for the petitioner and have submitted

that the petitioner has only prayed for refund of his security deposit, however, the order dated 09.11.2023 by which his work order has been cancelled and security deposit is ordered to be forfeited, have not been challenged. Without challenging the impugned order, the security deposit cannot be refunded. Further, the order has been passed on 09.11.2023 and the petitioner has filed this petition on 14.01.2026 which is after about 2 years and therefore the petition suffers from delay and laches also and no relief can be granted to the petitioner in the present writ petition.

- 4 We have heard the counsel for the parties and perused the material annexed with the writ petition.
- 5 It is not disputed by the counsel for the petitioner that he has not challenged the order dated 09.11.2023. From perusal of the order dated 09.11.2023 (Annexure P/1) it transpires that on 15.11.2019 the LOI was issued in favour of the petitioner and he deposited Rs.3,00,000/- as security deposit through bank guarantee and since the environmental clearance could not be procured, mining lease was not issued in his favour. The petitioner was also negligent and has not taken any interest in obtaining due permission and his application was recommended for rejection. The petitioner has not complied with requisite formalities within six months from the date of issuance of LOI as provided under Rule 7(4) of The Chhattisgarh Minor Mineral Ordinary Sand (Excavation and Trading) Rules, 2019 (in short, the Rules, 2019) and thus his security deposit is liable to be forfeited, and thereby, in violation of the terms of the LOI, the said LOI was cancelled and security deposit of the petitioner was directed to be forfeited.

- 6 Once the security deposit is forfeited in consequence of non compliance of requirement of LOI and an order has been passed on 09.11.2023, the petitioner was supposed to challenge the order of cancellation of LOI and forfeiture of his security deposit. Until and unless such order is challenged and get it set aside, the amount cannot be refunded. For the reasons best known to the petitioner, the said order dated 09.11.2023 has not been challenged and the petitioner has claimed only refund of his security deposit. Further, the order has been passed on 09.11.2023 whereas the present writ petition has been filed on 14.01.2026 i.e. after more than two years from the date of passing the said order without explaining the delay caused.
- 7 In the matter of ***Rushibhai Jagdishbhai Pathak Vs. Bhavnagar Municipal Corporation, 2022 SCC OnLine SC 64***, the Hon'ble Supreme Court in Para 9 has held as under:-

"9. The doctrine of delay and laches, or for that matter statutes of limitation, are considered to be statutes of repose and statutes of peace, though some contrary opinions have been expressed. 4 The courts have expressed the view that the law of limitation rests on the foundations of greater public interest for three reasons, namely, (a) that long dormant claims have more of cruelty than justice in them; (b) that a defendant might have lost the evidence to disapprove a stale claim; and (iii) that persons with good causes of action (who are able to enforce them) should pursue them with reasonable diligence. 5 Equally, change in de facto position or character, creation of third party rights over a period of time, waiver, acquiesce, and need to ensure certitude in dealings, are equitable public policy considerations why period of limitation is prescribed by law. Law of limitation does not apply to writ 4 See *Nav Rattanmal and Others v. State of Rajasthan*, AIR 1961 SC 1704 5 *State of Kerala and Others v. V. R. Kalliyankutty and Another*, (1999) 3 SCC 657 relying on *Halsbury's Laws of England*, 4th Edn., Vol. 28, para 605; *Halsbury's Laws of England*, Vol. 68 (2021) para 1005 petitions, albeit the discretion vested with a constitutional court is exercised with caution as delay and laches principle is applied with the aim to secure the quiet of the community, suppress fraud and perjury, quicken diligence, and prevent oppression. 6 Therefore, some decisions and judgments do not look upon pleas of delay and laches with favour, especially and rightly in cases where the persons suffer from adeptness, or incapacity to approach the courts for relief. However, other decisions, while accepting the rules of limitation as well as delay and laches, have observed that such rules are not

meant to destroy the rights of the parties but serve a larger public interest and are founded on public policy. There must be a lifespan during which a person must approach the court for their remedy. Otherwise, there would be unending uncertainty as to the rights and obligations of the parties.⁷ Referring to the principle of delay and laches, this Court, way back in *Moons Mills Ltd. v. M.R. Mehar*, President, Industrial Court, Bombay and Others,⁸ had referred to the view expressed by Sir Barnes Peacock in *The Lindsay Petroleum Company AND. Prosper Armstrong Hurd, Abram Farewell, and John Kemp*,⁹ in the following words:

6 See *Popat and Kotecha Property v. State Bank of India Staff Association*, (2005) 7 SCC 510 7 See *N. Balakrishnan v. M. Krishnamurthy*, (1998) 7 SCC 123 8 AIR 1967 SC 1450 9 (1874) LR 5 PC 221 “Now the doctrine of laches in Courts of Equity is not an arbitrary or a technical doctrine. Where it would be practically unjust to give a remedy, either because the party has, by his conduct, done that which might fairly be regarded as equivalent to a waiver of it, or where by his conduct and neglect he has, though perhaps not waiving that remedy, yet put the other party in a situation in which it would not be reasonable to place him if the remedy were afterwards to be asserted, in either of these cases, lapse of time and delay are most material. But in every case, if an argument against relief, which otherwise would be just, is founded upon mere delay, that delay of course not amounting to a bar by any statute of limitations, the validity of that defence must be tried upon principles substantially equitable. Two circumstances, always important in such cases, are, the length of the delay and the nature of the acts done during the interval, which might affect either party and cause a balance of justice or injustice in taking the one course or the other, so far as relates to the remedy.”

8 In the matter of ***Bichitranand Behra v. State of Orissa and others***, **2023 Live Law SC 883**, the Hon’ble Supreme Court in Para 21 has held as under:-

“21. Profitably, we may reproduce relevant passages from certain decisions of this Court:

(A) *Union of India v Tarsem Singh*, (2008) 8 SCC 648:

“To summarise, normally, a belated service related claim will be rejected on the ground of delay and laches (where remedy is sought by filing a writ petition) or limitation (where remedy is sought by an application to the Administrative Tribunal). One of the exceptions to the said rule is cases relating to a continuing wrong. Where a service related claim is based on a continuing wrong, relief can be granted even if there is a long delay in seeking remedy, with reference to the date on which the continuing wrong commenced, if such continuing wrong creates a continuing source of injury. But there is an exception to the exception. If the grievance is in respect of any order or administrative decision which related to or affected several others also, and if the reopening of the issue would affect the settled

rights of third parties, then the claim will not be entertained. For example, if the issue relates to payment or refixation of pay or pension, relief may be granted in spite of delay as it does not affect the rights of third parties. But if the claim involved issues relating to seniority or promotion, etc., affecting others, delay would render the claim stale and doctrine of laches/limitation will be applied. Insofar as the consequential relief of recovery of arrears for a past period is concerned, the principles relating to recurring/successive wrongs will apply. As a consequence, the High Courts will restrict the consequential relief relating to arrears normally to a period of three years prior to the date of filing of the writ petition.” (emphasis supplied) (B) Union of India v N Murugesan, (2022) 2 SCC 25:”

- 9 In view of the aforesaid consideration, we are not inclined to interfere with the present writ petition and the same is hereby dismissed. However, the petitioner is at liberty to avail the alternative remedy available to him under the provisions of law, if so advised.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

inder