



2026:CGHC:26142



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5323 of 2021

1 - Kusum Bafna W/o Shri Rajkumar Bafna Aged About 51 Years R/o C -
504, Palm Residency, Rajendra Nagar, P.S. Civil Lines, Raipur, District
(Revenue And Civil) Raipur Chhattisgarh.

--- **Petitioner(s)**

versus

1 - Government Of India Through Its Secretary, Ministry Of Mines,
Department Of Mines, Shashtri Bhavan, Dr. Rajendra Prashad Road, New
Delhi.

2 - State Of Chhattisgarh Through Its Secretary, Mineral Resources
Department, Mahanadi Bhavan, Village Rakhi, Atal Nagar, New Raipur,
District Raipur Chhattisgarh.

3 - The Collector (Mining Section), Bastar, District Bastar Chhattisgarh.

--- **Respondent(s)**

(Cause title is taken from CIS system)

For Petitioner	: Mr. Yogesh Pandey, Advocate
For Respondent No.1	: Ms. Anmol Sharma, Advocate
For Respondents/State No.2 & 3	: Mr. Atanu Ghosh, G.A.

Hon'ble Shri Justice Parth Prateem Sahu

Order On Board

25/06/2026

1. Petitioner has filed this petition seeking following relief (s) :-



“10.1 To issue a writ of certiorari by setting aside the order dated 21.06.2021 (Annex. P-20) passed by the Respondent No.1 and the Hon’ble Court may kindly be pleased to direct the State Government to grant mining lease to the petitioner in the interest of justice.

10.2 To issue any other writ, order or direction which the Hon’ble Court deems fit in the interest of justice.”

2. Learned counsel for petitioner submits that petitioner has filed an application for grant of mining lease of the mineral Lime Stone for an area of about 6.62 hectare at Village Badangi bearing Kh. No.421, P.C. No.20, Jagdalpur, District – Bastar. The State Government after examining the application came to the conclusion that prospecting report is not enclosed along with the application and accordingly the letter was issued on 21.09.2004 asking petitioner to submit the said report. Prospecting report of their area was prepared at the instance of State Government, therefore, petitioner was advised to deposit certain amount for inspecting prospecting report or getting copy of the said report. Initially, petitioner was asked to deposit a sum of Rs.36,90,000/- with State Government for prospecting report, however, by subsequent letter dated 16.09.2011, petitioner was asked to deposit a sum of Rs.70,000/- in the treasury and to place the copy of challan of the said amount with the department for copy of prospecting report. Accordingly, petitioner has deposited a sum of Rs.70,000/-. He submits that along with covering letter dated 17.02.2012, prospecting report was supplied to petitioner. He contended that State government has initially rejected the application against which petitioner had submitted a revision before the revisional authority under the Mines and Minerals (Development and Regulation)



Act, 1957 (In short 'the Act of 1957'), which was partly allowed vide order dated 07.01.2017 and directed the State Government to consider the application of petitioner afresh after giving proper opportunity of hearing. He contended that State Government upon reconsidering the application of petitioner for grant of mining lease has again rejected the application observing that petitioner's application fell into category of ineligible taking note of the provision under Section 10A(1) of the Act of 1957. The order of State Government rejecting the application for grant of mining lease was again put to challenge before the revisional authority, which was allowed observing that case of petitioner falls U/s. 10A (2) of the Act of 1957 and again remitted back the case to the State Government for reconsidering the application of petitioner. Respondent/State upon reconsidering the application for grant of mining lease of petitioner has rejected the same on the same ground that petitioner's application became ineligible for consideration in view of the provision under Section 10A (1) of the Act of 1957 arbitrarily without taking note of the provision under Section 10A (2) of the Act of 1957 as observed by the revisional authority. Aggrieved with which, petitioner again submitted a revision before the revisional authority, which was decided on 21.06.2026 by the impugned order upholding the order passed by the State Government. Impugned order passed by the revisional authority is contrary to its earlier order, wherein the revision filed by the petitioner was allowed taking note of the provisions under 10A (2) of the Act of 1957. He contended that petitioner has procured the prospecting report, therefore, based on the said report, application submitted by petitioner ought to have been allowed and mining lease ought to have been issued in favour of



petitioner. He submits that as in compliance of the earlier letter issued by the State Government, when the petitioner has submitted the prospecting report, there was no reason for the State Government to reject the application. More so when the case of the petitioner falls U/s. 10A (2) of the Act of 1957.

3. State Government vehemently opposes the submission of learned counsel for petitioner and would submit that the submission made by learned counsel for petitioner is misplaced. He contended that revisional authority has clearly made an observation that case of the petitioner would not fall under Section 10 (A) (2) (b) of the Act of 1957 as petitioner is not having prospecting license. Petitioner has not placed any document controverting the said finding recorded by revisional authority. Application submitted by petitioner is of the year 1998 and after coming into effect of amendment in Section 10 of the Act of 1957, all the pending applications prior to the date of commencement of Mines and Minerals (Development and Regulations) Amendment Act, 2015 (In short 'the Amendment Act, 2015') has become ineligible as envisaged under Section 10 of the Act of 1957.
4. Learned counsel for respondent No.1/UOI supports the impugned order (Annexure P-20).
5. I have heard learned counsel for parties and perused the documents placed on record.
6. The short point involved in this case is whether, in the facts and circumstances of the case, an application filed prior to the coming into



force of the Amendment Act, 2015, is governed by the amended provisions.

7. Section 10A of the Act of 1957 clearly envisages that all applications received prior to the date of commencement of Mines and Minerals (Development and Regulations) Amendment Act, 2015 shall become ineligible. Some exception are carved out under sub-section 2 of Section 10A of the Act of 1957.
8. Counsel for petitioner has pressed upon Section 10A (2) (b) as also Section 10A (2)(c) of the Act of 1957, which is relevant and extracted below for ready reference :

“[10-A. Rights of existing concession holders and applicants.—

(1) x x x

(2) Without prejudice to sub-section (1), the following shall remain eligible on and from the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015—

(a) x x x

(b) where before the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 a reconnaissance permit or prospecting licence has been granted in respect of any land for any mineral, the permit holder or the licensee shall have a right for obtaining a prospecting licence followed by a mining lease, or a mining lease, as the case may be, in respect of that mineral in that land, if the State Government is satisfied that the permit holder or the licensee, as the case may be,—

(i) has undertaken reconnaissance operations or prospecting operations, as the case may be, to



establish the existence of mineral contents in such land in accordance with such parameters as may be prescribed by the Central Government;

(ii) has not committed any breach of the terms and conditions of the reconnaissance permit or the prospecting licence;

(iii) has not become ineligible under the provisions of this Act; and

(iv) has not failed to apply for grant of prospecting licence or mining lease, as the case may be, within a period of three months after the expiry of reconnaissance permit or prospecting licence, as the case may be, or within such further period not exceeding six months as may be extended by the State Government;

[Provided that for the cases covered under this clause including the pending cases, the right to obtain a prospecting licence followed by a mining lease or a mining lease, as the case may be, shall lapse on the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2021:

Provided further that the holder of a reconnaissance permit or prospecting licence whose rights lapsed under the first proviso, shall be reimbursed the expenditure incurred towards reconnaissance or prospecting operations in such manner as may be prescribed by the Central Government.]

(c) where the Central Government has communicated previous approval as required under sub-section (1) of Section 5 for grant of a mining lease, or if a letter of intent (by whatever name called) has been issued by the State Government to grant a mining lease, before the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015,



the mining lease shall be granted subject to fulfilment of the conditions of the previous approval or of the letter of intent within a period of two years from the date of commencement of the said Act:

Provided that in respect of any mineral specified in the First Schedule, no prospecting licence or mining lease shall be granted under clause (b) of this sub-section except with the previous approval of the Central Government.].

9. Counsel for petitioner has pressed upon Section 10A (2) (b) and 10 A (2) (c) of the Act of 1957. Perusal of the provisions under Section 10A (2)(b) of the Act of 1957 would show that applicant, who had submitted application prior to the date of commencement of the Amendment Act, 2015 to be eligible where before commencement of the Amendment Act, 2015, a reconnaissance permit or prospective license has been granted in respect of any land for any minerals. In this case, petitioner could not able to point out as to petitioner is fulfilling any of the two requirement as forming part of the Section 10A (2) (b) of the Act of 1957 to hold her eligible after commencement of the Amendment Act, 2015. Petitioner has only made submission with regard to reconnaissance report, which he had submitted in the year 2012 though application for grant of mining lease was submitted in the year 1998. When there is specific mention under the provision about reconnaissance permit then it has to be read it accordingly it cannot be replaced with reconnaissance report. Petitioner has also not placed before this Court prospecting license as forming part of the provision under Section 10A (2) (b) of the Act of 1957.
10. In the aforementioned facts of the case, this Court is of the considered opinion that case of petitioner is not falling within the exception carved



out under Section 10(A) (2) (b) of the Act of 1957 for her becoming eligible after coming into force of the Amendment Act, 2015.

11. One another argument is raised by learned counsel for petitioner that petitioner's case is also covered under Section 10A (2) (c) of the Act of 1957 as State Government has made recommendation for grant of mining lease. First part of the Section 10A (2) (c) of the Act of 1957 talks of communication by the Central Government of previous approval as required under Sub-Section (1) of Section 5 and second part is of "if a letter of intent (by whatever named called) has been issued by the State Government" before the commencement of the Amendment Act, 2015.
12. Counsel for petitioner has pressed upon the second part of Section 10 A (2) (c) of the Act of 1957 that letter of intent has been issued. During course of argument to substantiate this submission, he referred Annexure P-10, the heading of which is Prativedan (प्रतिवेदन)/report). It only mentions that petitioner herein is one of the applicant named in the report to have preferential right and it further mentions that if in case of acceptance in favour of applicant No.1, then it is also proposed to reject the application of applicant No.2 to 9 named therein. No document has been shown that State Government has issued letter of intent in favour of petitioner. State Government in its order date 12.09.2018 has considered all the aspects and held that application of petitioner is not considerable in terms of Section 10 A(2) (c) or Section 10A (2) (b) of the Act of 1957. Revisional authority also in the impugned order Annexure P-20 dated 21.06.2021 has considered both the grounds raised and have concluded that "mining



lease application remained pending” and no letter of intent was ever issued and as such by no stretch of imagination, the case of the applicant can be brought within the ambit of Section 10 A (2) (c) of the Act of 1957. Further Revisional authority has also recorded in clear terms that applicant was not holder of prospecting license. Her case is apparently not covered under the provisions of Section 10 A (2) (b) of the Act of 1957.

13. Petitioner has not submitted any of the above referred documents for want of which revision submitted by petitioner was rejected and further before this Court also no document has been placed in record as discussed by revisional authority and further reconnaissance permit or prospecting license or letter of intent issued by the State Government.
14. In the aforementioned facts of the case, submission made by learned counsel for petitioner that claim of petitioner is protected under Section 10 A (2) (b) and 10 A (2) (c) of the Act of 1957 after commencement of the Amendment Act, 2015, is not sustainable and accordingly the said submission is without any merit and it is repelled.
15. For the foregoing discussions I do not find any illegality or infirmity in the finding recorded by the two authorities below. Writ petition being devoid of substance, which is liable to be and it is hereby dismissed.

Sd/-
(Parth Prateem Sahu)
Judge