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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 14632/2023**

RVG METALS AND ALLOYS PVT LTD & ANR. Petitioners

Through: Mr.Rakesh K.Khanna, Sr.Advocate
with Mr.Yashraj Singh Deora,
Mr.Priyesh Mohan Srivastava,
Ms.Sonal K.Chopra and Mr.Abhishek
Singh, Advocates.

versus

UNION OF INDIA & ORS. Respondents

Through: Mr.Kirtiman Singh, CGSC with
Mr.Varun Rajawat, Mr.Kartik Baijal,
Ms.Hina Bhargava and Mr.Vikash
Kumar, Advocates for UOI.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **16.04.2024**

C.M.No.22260/2024

1. Keeping in view the averments in the application, the delay in filing the counter affidavit is condoned and the same is taken on record.
2. Accordingly, the application stands disposed of.

C.M.No.22249/2024

3. Present application has been filed by respondent no.1/UOI with the following prayers:-

“a) Clarify/modify the order dated 09.11.2023 passed by this Hon'ble Court to the extent that applicant/respondent may not be restrained from auctioning of operating rights in offshore mineral blocks other than atomic mineral blocks as referred in DAE Notification dated 27.07.2019.

b) Pass any other order(s) which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.”



4. Issue notice. Mr.Yashraj Singh Deora, Advocate accepts notice on behalf of the petitioners/non-applicants.

5. Learned senior counsel for the petitioners states that keeping in view the averments in paragraphs 15 and 16 of the present application, he has no objection to the present application being allowed. The said paragraphs are reproduced hereinbelow:-

“15. It may be noted from the above Notification dated 27.07.2019 that the 62 blocks, including 6 blocks which are subject matter of present writ petition, notified for inviting applications for grant of exploration licence in 2010 contains atomic minerals which are of strategic importance. The first proviso to Section 6 of the OAMDR Act as inserted in 2023, provides that no operating rights (exploration licence, or composite licence or production lease) in respect of atomic minerals, specified in part B of the First Schedule of the Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act), can be granted to any person other than the Government, a Government company or a Corporation. Thus, operating rights in respect of these 62 blocks which contains atomic minerals equal to or greater than the prescribed threshold value, cannot be granted through auction.

16. It is submitted that auction of offshore blocks for grant of operating rights which are not subject matter of the present petition will not affect the Petitioner and thus respondents may not be restrained by this Hon'ble Court from auctioning of blocks other than 62 blocks containing atomic minerals. In fact, the Petitioner company is also not barred from participating in the auction of offshore blocks if they meet all the eligibility criterion.”

6. Consequently, with consent of the parties, present application is allowed in terms of para (a) of the application.

7. Accordingly, the application stands disposed of.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

APRIL 16, 2024

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