

GAHC010043992026



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1268/2026

BABUL NATH
S/O- SHRI MONORANJAN NATH, R/O- EX- POLICE LINE, TEZPUR, P.O. AND
P.S. TEZPUR, DISTRICT- SONITPUR, ASSAM

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
FOREST DEPARTMENT, GUWAHATI-06

2:THE JOINT SECRETARY TO THE GOVERNMENT OF ASSAM
FOREST DEPARTMENT
DISPUR
GUWAHATI-6

3:PRINCIPAL CHIEF CONSERVATOR OF FOREST AND HEAD OF FOREST
FORCE
ASSAM
ARANYA BHAWAN
PANJABARI
GUWAHATI-37

4:THE ADDITIONAL CHIEF CONSERVATOR OF FOREST (T)
LOWER ASSAM ZONE
BASISTHA
GUWAHATI-29

5:THE CHIEF CONSERVATOR OF FOREST AND NODAL OFFICER (FOREST
CONSERVATION ACT)
ASSAM
ARANYA BHAWAN
PANJABARI

GUWAHATI- 27

6:THE CONSERVATOR OF FORESTS
LOWER ASSAM S..F. CIRCLE
BONGAIGAON

7:THE DEPUTY SECRETARY
MINES AND MINERALS DEPARTMENT
DISPUR
GUWAHATI-6

8:THE DIVISIONAL FOREST OFFICER
DHUBRI FOREST DIVISION
DHUBR

Advocate for the Petitioner : MR. B D DEKA, MR. A PHUKAN,MS S SARMA HAZARIKA

Advocate for the Respondent : SC, FOREST,

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : --05.03.2026

Heard Mr. B.D. Deka, learned counsel for the petitioner and Mr. D. Gogoi, learned Standing Counsel, Forest & Environment Department for the respondent nos. 1, 2, 3, 4, 5, 6 & 8.

2. A competitive bidding process was initiated under Rules 32, 33 and 34 of the Assam Minor Mineral Concession Rules, 2013 [‘the Rules, 2013’ or ‘the 2013 Rules’, for short] for a mineral concession area, Tokrabandha Hill Stone Quarry [‘the Mineral Concession Area’, for short] by an e-Auction Notice dated 11.11.2021. Bids were invited online from eligible bidders for settlement of the Mining Concession Area for a stipulated quantity of 5,00,000 cubic meters of stone for a contract/permit period of five years at a reserved price of Rs. 10 Crores.

3. In response to the e-Auction notice, the petitioner and the others submitted their bids. The live auction conducted for settlement was culminated on 23.12.2021 and the petitioner emerged as the highest bidder with his offered bid amount of Rs. 30,27,77,719/-.

Accordingly, a provisional Letter of Intent [LoI] was directed to be issued by the respondent no. 5 on 09.03.2022. Consequently, a provisional LoI was issued to the petitioner by the respondent no. 8 on 31.03.2022 with a condition that the petitioner had to prepare and submit/obtain [i] an approved mining plan; [ii] Clearance under Forest [Conservation] Act, 1980; [iii] environment clearance as per EIA Notification, 2006; and [iv] Environment Management Plan; within a period of 45 days from the date of issuance of the provisional LoI dated 31.03.2022. Communications were exchanged thereafter among the authorities in the subsequent period.

4. On 11.07.2022, the petitioner was asked to submit the requisite clearance/plan etc. within a period of 180 days, that is, before 30.09.2022 or else, the offer would be revoked. On 13.07.2022, the petitioner represented before the respondent no. 8 that it was only in April, 2022, some of the formalities were completed and the remaining formalities were required to be completed by the statutory authorities. On 14.07.2022, the respondent no. 7 granted approval to the Mining Plan. The respondent no. 8 wrote on 16.11.2022 recommending grant of Environmental Clearance in favour of the petitioner in respect of the Mineral Concession Area.

5. When the process for Environmental Clearance was under consideration, the respondent no. 5 on 21.01.2023 wrote to the respondent no. 8 stating that he was directed to revoke the provisional LoI issued to the petitioner under Rule 37 [3] [iii] & [v] and Rule 22 [1] & [2] of the 2013 Rules and to forfeit the initial bid security deposited by the petitioner and to initiate action for recovery of the unpaid balance of 15% of the bid security.

6. Mr. Deka, learned counsel for the petitioner has referred to a Letter dated 02.01.2023 of a Member of Legislative Assembly [MLA] addressed to the Minister, Environment & Forest, Assam whereby the Minister, Environment & Forest, Assam was requested to take necessary steps for revocation of the settlement process for the Mineral Concession Area under reference on the ground of failure on the part of the petitioner to fulfill the terms and conditions of the LoI and to publish a fresh NIT for resale as he had a supporter who can operate the Mineral Concession Area. Mr. Deka has submitted that the process of revocation was perhaps triggered by the said Letter dated 02.01.2023 of the MLA and the Letter dated

21.01.2023 was issued by the respondent no. 5. It was at that stage, the petitioner assailing Rule 37 of the 2013 Rules and the decision to revoke the LoI had preferred a writ petition, W.P.[C.] no. 686/2023.

7. When the writ petition, W.P.[C.] no. 686/2023 came up for consideration before a Division Bench on 13.02.2023, it was submitted on behalf of the State respondents that the respondent authorities would not proceed with re-tendering of the Mineral Concession Area till 20.02.2023.

8. Mr. Deka has submitted that thereafter, a discussion was initiated between the petitioner and the respondent authorities and it was represented to the petitioner that if the petitioner withdrew the writ petition, W.P.[C.] no. 686/2023 then the respondent authorities would review/re-consider the revocation order. Accordingly, the petitioner submitted a Undertaking dated 19.03.2025 indicating his intention to withdraw the writ petition subject to review/re-consideration of the revocation order by the respondent authorities. In fact on 29.04.2023, the respondent no. 8 wrote to the petitioner to submit details about the withdrawal of the writ petition.

9. When the writ petition came up for consideration again on 28.10.2025, it was submitted before the Court by the learned counsel for the parties that there might be a possibility of conciliation. When the writ petition was listed again on 01.12.2025, it was submitted by the learned counsel for the parties, in unison, that the parties had arrived at an arrangement. It was submitted on behalf of the petitioner that in view of the arrangement, the petitioner would not like to pursue the matter and sought leave to withdraw the writ petition, with liberty to approach again in case of violation of any terms of the agreement.

10. Mr. Deka has submitted that but, without proceeding any further with the conciliation process, the respondent authorities in the Environment & Forest Department had published an e-Auction Notice again on 12.02.2026 for settlement of the concerned Mineral Concession Area again. Mr. Deka has submitted that the last date of submission of technical bid is fixed on 06.03.2026 and the bids would be opened and evaluated on and from 07.03.2026 onwards. He has contended that by publishing the e-Tender Notice dated 12.02.2026, the

respondent authorities have reneged on its representation that they would proceed further with the conciliation process for settlement of the Mineral Concession Area in terms of the provisional LoI issued to the petitioner on 31.03.2022.

11. In response, Mr. Gogoi, learned Standing Counsel, Environment & Forest Department has submitted that when the process of grant of Environmental Clearance was in progress, the period to submit the remaining 15% of the bid security had expired and the same had necessitated for issuance of the revocation order, as per the provisions of the Rules, 2013.

12. The matter would require further examination.

13. Issue notice, returnable on 01.04.2026.

14. As Mr. Gogoi, learned Standing Counsel, Forest & Environment Department has appeared and accepted notices for the respondent nos. 1, 2, 3, 4, 5, 6 & 8, formal notices need not be issued to the said respondents. Mr. Deka, learned counsel for the petitioner shall furnish requisite nos. of extra copies of the writ petition along with the annexures, to Mr. Gogoi by tomorrow.

15. The learned counsel for the petitioner shall furnish a copy of the writ petition along with annexures to the learned Senior Government Advocate, Assam by tomorrow for service of notice upon the respondent no. 7.

16. The learned counsel for the parties are also heard on the interim prayer. Apart from the facts narrated above, it appears prima facie from the Order dated 01.12.2025 that as regards settlement of the Mineral Concession Area, the parties had submitted that they have arrived at an arrangement. The parties appeared to have arrived at a conciliation and it was in view of such submission made in unison, the petitioner was granted leave to withdraw the writ petition, with liberty to approach again in case of violation of any terms of the agreement. The petitioner has contended that the petitioner had submitted the undertaking to withdraw the writ petition as it was represented to him that the process of settlement of the Mineral Concession Area would be taken to a logical conclusion and would be in his favour. To appreciate such contention, an examination of the contemporaneous records would

be necessary. From the materials on records, it appears prima facie that the conciliation/arrangement, stated to have been arrived at by the parties as submitted on 01.12.2025, ought to have been brought to a logical conclusion in the form of a reasoned decision. It is only after a reasoned decision, further steps in the form of a fresh auction notice would be called for.

17. In the above view of the matter, it is ordered, in the interim, that the respondent authorities may proceed with the acceptance of the bids received in response to the fresh e-Tender Notice dated 12.02.2026, but, the bids so received, shall not be opened or evaluated till the returnable date.

JUDGE

Comparing Assistant