



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 18353 of 2018

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VADRAJ CEMENT LIMITED & ANR.

Versus

UNION OF INDIA & ANR.

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Appearance:

DELETED for the Petitioner(s) No. 2
 MR HARDIK P MODH(5344) for the Petitioner(s) No. 1
 GOVERNMENT PLEADER for the Respondent(s) No. 2
 MR HARSHEEL D SHUKLA(6158) for the Respondent(s) No. 1

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**CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE
 SUNITA AGARWAL
 and
 HONOURABLE MR. JUSTICE PRANAV TRIVEDI**

Date : 26/09/2024

ORAL ORDER

(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL)

The question in the instant petition is about the maintainability of the writ petition challenging the clarification order dated 17.11.2017, by which the petitioner company was declared as ineligible for grant of lime stone mining lease applied by it. The challenge is also to the validity of the provisions of Rule 8(4) of the Minerals (Other than Atomic and Hydro Carbon Energy Minerals) Concession Rules, 2016 and Section 10A(2)(C) of the Mines and Minerals (Development and Regulation) Act, 1957. During pendency of the writ petition, the petitioner company went into insolvency and substitution of Resolution Professional to pursue the writ petition has been made on the premise that the company is to be revived in the



insolvency proceedings pending before the National Company Law Tribunal. However, the question before us is as to how the writ petition could be maintained by the Resolution Professional, when the company had been declared ineligible for grant of mining lease in the year 2017 and there is no interim order in favour of the petitioner which would confer any right upon the then petitioner company for grant of mining lease. The question is that when no right has been accrued in favour of original petitioner company for grant of mining lease, how and in what circumstances, the purported lease can be said to be falling as an asset of the then company giving right to the Resolution Professional to pursue the present writ proceedings.

To answer this question, as prayed by Mr. Hardik P. Modh, learned advocate for the petitioner, the matter is posted on **17.10.2024** at 2.30 p.m.

(SUNITA AGARWAL, C.J.)

(PRANAV TRIVEDI, J.)

DHARMENDRA KUMAR