IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (C) No. 2003 of 2026

M/s Ramjanki Metals, through its partner, Surendra Thakur, S/o Ramdev Thakur, R/o Village-Sirkohiya, P.O.-Sariya, P.S.-Sariya, District-Muzaffarpur (Bihar) ….. Petitioner

Versus

1. The State of Jharkhand, through the Secretary, Department of Mines and Geology, Ranchi
2. The Mines Commissioner, Ranchi
3. The Deputy Commissioner, Koderma
4. The District Mining Officer, Koderma ….. Respondents

CORAM
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner: Mr. K.K. Ojha, Advocate
For the Respondents: Mr. Gaurav Raj, A.C. to A.A.G.-II

03/07.05.2026

1. Heard learned counsel for the parties.
2. This writ petition challenges the order dated 15.10.2024 made by the Deputy Commissioner, Koderma embodied in memo dated 18.10.2024 issued under the signature of the District Mining Officer, Koderma rejecting the petitioner's application dated 28.12.2019 for renewal of mining lease, which is the subject matter of this writ petition.
3. The petitioner has also challenged the Mines Commissioner's order dated 16.05.2025 dismissing the petitioner's Revision Case No. 39 of 2024 against the above orders dated 15.10.2024/18.10.2024.
4. Mr K K Ojha, learned counsel for the petitioner, submits that the petitioner was initially granted a mining lease for a period commencing from 30.03.2010 and ending on 29.03.2020. Consistent with the provisions of Rule 23 of the Jharkhand Minor Mineral Concession Rules, 2004 (hereinafter referred to as 'the Rules, 2004'), the petitioner applied for renewal of the mining lease on 28.12.2019. He submits that this application was never disposed

of, but by a supplementary agreement dated 10.08.2021, the date of expiry of the mining lease was extended up to 31.03.2022.

5. Mr K K Ojha submits that since the petitioner's application for renewal dated 28.12.2019 was not disposed of, there was no requirement for the petitioner to once again apply for renewal. Based on the undisposed application dated 28.12.2019, the petitioner's application for renewal of the lease should have been considered and renewal granted in accordance with the law. He submits that this was not a case of any delayed filing of the renewal application and therefore the impugned orders are liable to be set aside, and directions issued to the respondents to consider and grant the renewal of the mining lease.

6. Mr Gaurav Raj, learned A.C. to A.A.G.-II, defended the impugned orders based on the reasoning reflected therein. He points out that in pursuance of the renewal application dated 28.12.2019, extension was granted up to 31.03.2022. If the petitioner desired a further renewal, it was incumbent upon it to apply for renewal within the timeline specified in Rule 23 of the Rules, 2004. Since there was no such application, there was no question of any suo-moto renewal of the mining lease. He points out that in any event, the application filed on 28.12.2019 should not have been considered, given the provisions of Rule 23 of the Rules, 2004.

7. The rival contentions now fall for our determination.

8. In this case, there is no dispute that, by a lease deed dated 30.03.2010, the petitioner was granted a mining lease for the term commencing on 30.03.2010 and ending on 29.03.2020.

9. Rule 23(1) of the Rules, 2004 prescribes that an application for renewal of a mining lease must be made a minimum of 90 days before expiry of the mining lease, but not more than 180 days

before the date of expiry of the said mining lease. Accordingly, the petitioner, by application dated 28.12.2019, applied for renewal of the mining lease.

10. By a supplementary lease deed executed on 10.08.2021/16.08.2021, the period of validity of the original lease deed was extended up to 31.03.2022, subject to compliance with all terms and conditions of the original lease and further terms and conditions prescribed in the sanctioning order that was to be treated as a part of the supplementary lease deed.

11. The issue of whether this extension of the lease period from 29.03.2020 to 31.03.2022 is pursuant to a general statutory order, possibly due to the COVID-19 situation, or whether it was a contractual extension, is not quite relevant. What is relevant is that the lease term was extended to 31.03.2022.

12. Once the lease was extended up to 31.03.2022, in terms of Rule 23 of the Rules, 2004, the petitioner should have applied for renewal by an application made a minimum of 90 days before expiry of the mining lease, but not more than 180 days before the date of expiry of the said mining lease, which would now be 31.03.2022. Admittedly, no application whatsoever was made by the petitioner in the present case.

13. We cannot accept the petitioner's contention that its application dated 28.12.2019 was pending allegedly on the ground that no formal order was passed thereon. The records show that, admittedly, after the petitioner made its application dated 28.12.2019 for renewal, a partial renewal was granted, extending the validity of the lease period up to 31.03.2022. Such a grant was in terms of a sanctioning order followed by a bipartite supplementary lease deed, which is placed on record along with

the present writ petition. Therefore, it cannot be contended that the petitioner's renewal application dated 28.12.2019 remained undisposed and was bound to be considered.

14. However, even if we assume the petitioner's contention regarding the pendency of the renewal application dated 28.12.2019 to be correct, there was no occasion to consider it because the same was filed more than 180 days before the expiry of the mining lease, which would now be 31.03.2022.

15. As noted earlier, Rule 23 is quite clear, inasmuch as it prescribes that an application for renewal of a mining lease must not only be made a minimum of 90 days before expiry of the mining lease, but further, the same should not have been made more than 180 days before the date of expiry of the mining lease.

16. Thus, even if we were to assume that the petitioner's renewal application is pending, it would have to be declined, given the clear provisions of Rule 23 of the Rules, 2004 and the window period prescribed therein.

17. The authorities who made the impugned orders have correctly appreciated the factual and legal position in this matter. No case is made out to interfere with the impugned orders either on law or on facts.

18. Accordingly, we dismiss the present writ petition without any order for costs.

(M. S. SONAK, C.J.)

(RAJESH SHANKAR, J.)

07.05.2026
Satish/Vikas/