



**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**WP(C) No.7062 of 2025**

***BS Mining Corporation, Keonjhar* .... *Petitioner***

Mr. Surya Prasad Misra, Senior Advocate  
assisted by Mr. Ashis Mishra, Advocate

*-versus-*

***State of Odisha and others* .... *Opposite Parties***  
Mr. Saswat Das, AGA

**CORAM:**

**THE HON'BLE THE CHIEF JUSTICE**

**AND**

**THE HON'BLE MR. JUSTICE MURAHARI SRI RAMAN**

**ORDER**

**24.03.2026**

**Order No.**

08.

1. Undisputedly, the petitioner after having adjudged as a successful bidder in the auction conducted by the authority in terms of the Odisha Minor Mineral Concession Rules, 2016 (for short, "the OMMC Rules"), it deposited all the requisite amount and was issued Form-F in its favour.

2. The Environmental Clearance was also obtained and payment was also made towards royalty and statutory dues and as a follow-up action, the lease deed was executed on 3<sup>rd</sup> July, 2023 for a period of five years. The consent to operate was obtained; so also the transit permit, which did not create any impediment in carrying on the activities till August, 2023. An amendment was brought into the said Rules, by virtue whereof the authority to deal with the mining issues were taken out from the Tahasildar and vested upon the Mining Department of the Government.

3. In order to take the administrative charge, in view of such amendment having brought, the transit permit, which was issued by the Tahasildar, was immediately withdrawn and/or taken away with an object to issue fresh transit permit to the petitioner.



Subsequently, the said Mining Officer did not issue the transit permits/pass, which created fetter into the petitioner in operating the Mines and the approach was made from time to time in this regard. Entire attempt in securing the transit pass remained futile, but in the meantime, the demand notice was issued claiming astronomical amounts for the periods 2023-24 and 2024-25.

4. It appears that the notice was issued when the petitioner raised an objection for personal hearing and on 15<sup>th</sup> January, 2025, the petitioner appeared and sought for an adjournment that the matter might be fixed on 30<sup>th</sup> January, 2025. It further appears that the petitioner was not notified as no notice was received by him as to whether the authority has accepted the request made by the petitioner to fix the matter on 30<sup>th</sup> January, 2025 and no order was passed in presence of the petitioner nor was the date fixed by the authority. It appears that on 16<sup>th</sup> January, 2025, a further notice was issued by the authority fixing a date as requested by the petitioner, but the said notice was never served upon the petitioner.

5. Since the parties were not *ad idem* on issue of the service of the notice fixing a date for hearing on 30<sup>th</sup> January, 2025, we invited the attention of the learned Additional Government Advocate in this regard and called upon the authorities to disclose the mode of such service.

6. Learned Additional Government Advocate appearing for the State submits, on written instruction received from the concerned officer, that the said notice dated 16<sup>th</sup> January, 2025 was sent through an ordinary post and not by any other mode. It is further submitted that the representative of the petitioner was also communicated through Mobile Phone.



7. Learned Senior Advocate appearing for the petitioner, however, submits, on instruction, that had the date been known, there was no fetter on the part of the petitioner to appear and denies the communication to have been made either to the petitioner or its representative.

8. In view of such dissent having perceived and bearing in mind that at one point of time, the authorities intended to afford an opportunity of personal hearing to the petitioner, we feel that justice would be subserved if the petitioner is afforded an opportunity of personal hearing before the authority embarks his journey on the peripheral of the demand raised under the provisions of the OMMC Rules. Since the demand is raised as the petitioner did not appear nor participate in the personal hearing, we, therefore, quash and set aside the order dated 7<sup>th</sup> February, 2025. The matter is remitted to the concerned authority, opposite party no.3, to decide the issue afresh by giving an opportunity of hearing to the petitioner.

9. The respective learned counsels are permitted to communicate this order to opposite party no.3 immediately. After receipt of the order, the said authority shall fix a date of hearing and communicate the same to the petitioner both by speed post with acknowledgment due card as well as by WhatsApp; the number shall be shared by the petitioner to Mr. Saswat Das, learned Additional Government Advocate in course of this day. The next date shall not exceed beyond fifteen days from the date of communication of this order. The petitioner shall cooperate and assist the officer in taking decision afresh and shall not indulge in procrastination of the said proceeding for all time to come.



10. It is made clear that all the points raised by the petitioner in the instant writ petition are kept open and if taken, the same shall be decided by the authority.

11. With the aforesaid observation and direction, the writ petition stands disposed of. As a result of disposal of the writ petition, all the pending Interlocutory Application(s), if any, shall stand disposed of.

**(Harish Tandon)**  
**Chief Justice**

**(M.S. Raman)**  
**Judge**

*MRS/Laxmikant*