HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

D.B. Special Appeal Writ No. 769/2023

1. State Of Rajasthan, Through Principal Secretary, Mines Department, Government Of Rajasthan, Secretariat, Jaipur.
2. Chief Secretary, State Government Of Rajasthan, Secretariat, Jaipur (Raj.).
3. The Joint Secretary (Mines), Mines Department, Government Of Rajasthan, Secretariat, Jaipur.
4. The Director, Mines And Geology Department, Directorate, Khanij Bhawan, Udaipur.
5. The Mining Engineer, Mines And Geology Department, Amet District Rajsamand.

----Appellants

Versus

1. Dalpat Singh Chundawat S/o Shri Girdhari Singh, Aged About 62 Years, R/o Village Kanavera Tehsil Deogarh, District Rajsamand (Raj.)
2. Union Of India, Through The Secretary, Ministry Of Mines, New Delhi.

----Respondents

Connected With[1]

For Appellant(s) : Mr. Rajendra Prasad, AG with Mr. Mahaveer Bishnoi, AAG, Mr. Harshwardhan Singh Chundawat, Mr. Anirudh Singh Shekhawat, Mr. Gaurav Bishnoi and Mr. Arpit Samariya for Mr. NS Rathore, AAG

For Respondent(s) : Mr. MS Singhvi, Sr. Adv. with Mr. Akhilesh Rajpurohit, Mr. Kamlakar Sharma, Sr. Adv. with Ms. Alankrita Sharma, Mr. Naveen Kumar (through VC), Mr. Rajesh Joshi, Sr. Adv. with Mr. Vinod K Soni, Mr. Manoj Bhandari, Sr. Adv. with Mr. Aniket Tater, Mr. Shreyansh Bhandari, Mr. Ramdev Rajpurohit, Mr. Puna Ram Sen, Mr. Abhishek Mehta, Mr. Tararam Siri, Mr. Chirag Kalani, Mr. Sourabh Rajpurohit, Mr. Nishant Bapna, Mr. Vishal Sharma, Mr. DLR Vyas, Mr. JS Naruka, Mr. Abhishek Bohra, Mr. OP Kumawat, Mr Harsh Sharma, Mr.

1 List of the bunch of petitions is attached as per Schedule-A

Ravindra Jala, Mr. Manish Patel, Mr. Ashwini Kumar Chobisa, Ms. Priyansha Gupta, Mr. TS Champawat, Mr. Brijesh Bhintal for Mr. Kirta Ram Meghwal, Mr. Sandeep Singh Shekhawat, Mr. Padeep Singh Khichi, Mr. DD Thanvi, Mr. Amit Vyas, Mr. Anirudh Purohit, Mr. Arvind Shrimali and Mr. Arvind Vyas

HON'BLE MR. JUSTICE ARUN MONGA
HON'BLE MR. JUSTICE SUNIL BENIWAL

Reportable

Judgment

Conclusion of arguments and

Reserved on : 28/04/2026

Pronounced on : 27/05/2026

(per Sunil Beniwal,J.)

INDEX

1. The present batch of special appeals, the details whereof are contained in Schedule 'A' appended to and forming part of this order, raises common questions of law and fact for consideration. Hence, all the appeals are being decided by this common order.

2. The respondent-writ petitioners before this Court fall into two categories, namely, holders of Prospecting Licences ("PLs") and holders of Letters of Intent ("LOIs") under the Mines and Minerals (Development and Regulation) Act, 1957, whose respective PLs and LOIs came to be cancelled, giving rise to the filing of multiple writ petitions. The State has assailed the judgments passed in the said writ petitions, *inter alia*, on the ground that the learned Single Judge decided the batch of writ petitions in the light of the judgment rendered in ***M/s Kamlesh Metacast Pvt. Ltd. v. State of Rajasthan & Ors.; S.B. Civil Writ Petition No. 13426/2020*** (decided on 25.06.2021), whereas the writ petitions, according to the appellants, could not have been adjudicated on the basis of the said judgment.

3. Since the respondent-writ petitioners belong to two distinct categories, namely, PL holders and LOI holders, this Court considers it appropriate to examine the facts of two representative special appeals separately — one pertaining to a PL holder and the other relating to an LOI holder.

A. FACTS

A.1. DB SAW No.769/2023 (STATE OF RAJASTHAN & ORS. Vs. DALPAT SINGH CHUNDAWAT & ANR.) - LETTER OF INTENT

4. The facts of the case are that the respondent no.1 (original writ petitioner) applied for grant of mining lease being M.L. No. 607/2011 on 23.12.2011 for mineral Quartz and Feldspar near Village Kenwera, Tehsil Deogarh, District Rajsamand, after submitting the requisite fee, affidavits and documents under Rule 9(1) of the Mineral Concession Rules, 1960 ("Rules of 1960). Upon completion of the requisite formalities, a LOI was issued in favour of the respondent no.1 on 29.12.2014. Pursuant thereto, the respondent no.1 also submitted the approved mining plan with progressive mine closure plan, which was approved on 16.06.2015.

4.1. Thereafter, the State Government issued an order dated 17.10.2015 directing cancellation of all LOIs/PLs issued between 01.11.2014 and 12.01.2015, pursuant to which the LOI issued in favour of the respondent no.1 was cancelled vide order dated 20.10.2015. The respondent no.1 challenged the said cancellation by filing writ petition being **S.B. Civil Writ Petition No.2616/2016**, *inter alia*, on the ground that the cancellation order was passed without notice or opportunity of hearing and that the LOI issued prior to 12.01.2015 stood protected under Section 10A(2)(c) of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 ("Amendment Act of 2015").

4.2. The **S.B. Civil Writ Petition No.2616/2016**, along with connected matters, was disposed of vide order dated 30.08.2017 wherein lead case was ***M/s Karni Mines and Minerals v. State of Rajasthan & Ors., S.B. Civil Writ Petition No.8179/2016***, whereby the cancellation orders were set aside and liberty was granted to the State to pass a fresh order in accordance with law, after following the principles of natural justice and after examination of each case by a Committee constituted by the Chief Secretary comprising at least three senior officials. The said order was challenged by the State by preferring special appeals however, the same were dismissed vide order dated 03.05.2018 passed in ***State of Rajasthan & Ors. Vs*. *M/s Karni Mines and Minerals;*** **D.B. Special Appeal Writ No.652/2018** alongwith connected matters. Further, the Special Leave Petition being **SLP (C) No.027145 - 027162/2018,** preferred against the order dated 03.05.2018, before the Hon'ble Supreme Court also came to be dismissed vide order dated 06.12.2019.

4.3. In the meanwhile, the **D.B. Special Appeal Writ No.793/2019** preferred against the order dated 30.08.2017 passed in **S.B. Civil Writ Petition No.2616/2016** was dismissed vide order dated 09.08.2019 but subject to the outcome of the **SLP (C) No.027145 - 027162/2018** which were pending before the Apex Court.

4.4. In compliance of the aforesaid directions issued vide order dated 30.08.2017, the respondent no.1 was called for personal hearing before the Committee through video conferencing. According to respondent no.1, no specific violation or irregularity was communicated to him either in the notice or during the hearing. However, vide order dated 10.02.2021, the LOI issued in his favour was again cancelled, primarily on the ground that it was contrary to the guidelines dated 30.10.2014 and the proposed amendment dated 16.11.2014 relating to the Mines and Minerals law which was brought into force vide Amendment Act of 2015. Aggrieved by the said order dated 10.02.2021, the respondent no.1 filed **S.B. Civil Writ Petition No.5211/2021**.

4.5. The State opposed the said writ petition by contending that the order dated 10.02.2021 had been passed in due compliance of the directions issued by learned Single Judge, which stood affirmed by the Division Bench as well as the Hon'ble Supreme Court. It was also pleaded that the respondent no.1 had concealed material facts and that, after the mineral in question came to be notified as a minor mineral, the provisions of the Rajasthan Minor Mineral Concession Rules, 2017 ("Rules of 2017") became applicable, whereunder the application itself stood lapsed by virtue of Rule 5(4) of the said Rules.

4.6. The learned Single Judge, vide order dated 18.07.2023, allowed the S.B. Civil Writ Petition No.5211/2021 along with connected matters, holding that the issue was covered by the judgment rendered in ***M/s Kamlesh Metacast Pvt. Ltd., S.B. Civil Writ Petition No. No.13426/2020*** (decided on 25.06.2021) and that relegating the parties to the alternative remedy after prolonged litigation would be unjust. Accordingly, the order cancelling the LOI was quashed and the respondents were directed to proceed in terms of the directions issued in ***M/s Kamlesh Metacast Pvt. Ltd., S.B. Civil Writ Petition No. No.13426/2020*** (decided on 25.06.2021). Aggrieved thereby, the appellants have preferred the present special appeal.

A.2. DB SAW No.250/2024 and 30/2024 (STATE OF RAJASTHAN & ORS. Vs. RAVI REAL MART PVT. LTD. & ANR.) - PROSPECTING LICENSE

5. The facts of the case are that the respondent-writ petitioner submitted an application on 27.12.2014 before the Mining Engineer, Sirohi, for grant of PL under Rule 9(1) of the Rules of 1960 for mineral Limestone (Cement Grade) over an area measuring 555.74 hectares near Village Amli, Tehsil Pindwara, District Sirohi. Upon completion of the requisite formalities, the PL was issued in favour of the respondent-writ petitioner vide order dated 09.01.2015.

5.1. Pursuant to the order dated 09.01.2015, on fulfilment of the mandatory conditions under the Rules of 1960, the Government of Rajasthan executed the statutory contract on 27.03.2015 in favour of the respondent-writ petitioner for a period of three years. The respondent-writ petitioner commenced prospecting work, collected samples, and got the same tested through the office of the Director, Mines and Geology as well as other authorised laboratories. Since part of the area fell in forest land, the respondent-writ petitioner also initiated proceedings for obtaining forest clearance.

5.2. Thereafter, the State Government issued an order dated 17.10.2015 directing cancellation of all LOI/PL issued between 01.11.2014 and 12.01.2015, pursuant to which the PL in favour of the respondent-writ petitioner also stood cancelled. The State Government, thereafter, vide communication dated 27.11.2015 sought approval of the Central Government under Section 4A of the Mines and Minerals (Development and Regulation) Act, 1957

("Act of 1957") for premature termination of the PL. The Central Government, vide communication dated 18.02.2016, directed the State Government to afford opportunity of hearing to the prospecting licensees and to thereafter make individual recommendations, if required, by assigning reasons.

5.3. Pursuant thereto, a show-cause notice dated 03.03.2016 was issued to the respondent-writ petitioner, to which a detailed reply was submitted. However, according to the respondent-writ petitioner, no effective personal hearing was afforded. The State Government again, vide communication dated 13.05.2016, sought approval for premature termination of the PL, alleging violation of the guidelines dated 30.10.2014 issued by the Ministry of Mines. Aggrieved thereby, the respondent-writ petitioner preferred a revision petition before the Central Government which was later on withdrawn during pendency of the writ being **S.B. Civil Writ Petition No. 15339/2016**. In the said writ petition, challenge was laid to the order dated 30.11.2016 passed by the State Government declaring petitioner's Prospecting Licence No. 35/14 as null and void in terms of Section 19 of the Act of 1957.

5.4. The said writ petition came to be allowed vide order dated 02.08.2017, wherein lead case was ***M/s Krishna Marble v. State of Rajasthan & Ors., S.B. Civil Writ Petition No.15337/2016,*** whereby the impugned orders were quashed and the State Government was granted liberty to pass a fresh order in accordance with law after following the principles of natural justice. The State Government preferred a special appeal being **D. B. Special Appeal Writ No. 1167/2019** against the said order, which was dismissed by the Division Bench vide order dated 06.09.2019 but subject to the outcome of the **SLP (C) No.027145 - 027162/2018** which were pending before the Apex Court. In the said SLP, the order dated 05.05.2018 passed by the Division Bench in *D.B. Special Appeal Writ No. 638/2018* was challenged whereby the special appeal was dismissed against the order dated 02.08.2017 passed in *M/s Krishna Marble v. State of Rajasthan & Ors.*, *S.B. Civil Writ Petition No.15337/2016.* The **SLP (C) No.027145 - 027162/2018** preferred by the State Government before the Hon'ble Supreme Court were also dismissed on 06.12.2019.

5.5. In the meanwhile, the respondent-writ petitioner sought extension/restoration of the remaining period of the PL, asserting that it had lost substantial workable period for no fault of its own. It also claimed that the delay in completing prospecting operations was attributable to the illegal cancellation and subsequent litigation.

5.6. Since, the petitioner was not permitted to resume prospecting operations nor any extension was granted for remaining period of PL, despite the order dated 02.08.2017, the respondent-writ petitioner submitted representations to the authorities and also preferred another writ petition, being **S.B. Civil Writ Petition No. 11065/2018**, seeking appropriate directions for compliance of the earlier order and for restoration of the remaining period of the PL so also seeking extension of the period which was denied to the respondent- writ petitioner vide communication dated 14.02.2018.

5.7. Thereafter, in purported compliance of the directions issued by vide order dated 02.08.2017, a Committee comprising senior officials was constituted. The respondent-writ petitioner was called for hearing through video conferencing and appeared before the Committee on 24.09.2020. The respondent-writ petitioner submitted its detailed submissions before the Committee, asserting that the PL had been validly granted, that it had complied with all conditions, and that there was no breach or illegality on its part. However, the Committee passed order dated 10.02.2021 cancelling the PL granted in favour of the respondent-writ petitioner, principally on the ground that the same was contrary to the guidelines dated 30.10.2014 issued by the Central Government and the proposed amendment to the Mines and Minerals law uploaded on 17.11.2014, which later came into force with effect from 12.01.2015 vide the Amendment Act of 2015. The respondent-writ petitioner, being aggrieved by the order dated 10.02.2021, filed the writ petition being **S.B. Civil Writ Petition No.11606/2021.**

5.8. The appellants opposed the writ petition by contending that the order dated 10.02.2021 had been passed in compliance of the directions issued by the Court, as affirmed by the Division Bench and the Hon'ble Supreme Court. It was submitted that the respondent-writ petitioner had been afforded opportunity of hearing by the Committee and, upon due consideration, the PL had been cancelled. The appellants further contended that the PL/ LOI had been issued contrary to the applicable guidelines and that the respondent-writ petitioner was not entitled to the relief claimed.

5.9. The learned Single Judge, vide separate orders dated 24.07.2023, allowed the S.B. Civil Writ Petition No.11606/2021 so also S.B. Civil Writ Petition No. 11065/2018 in light of the order passed in the bunch of cases led by ***Dalpat Singh Chundawat Vs. Union of India & Ors.; S.B. Civil Writ Petition No.5211/2021*** (decided on 18.07.2023). Aggrieved thereby, the appellants have preferred the present special appeals.

5.10. It is noted that order passed in *Dalpat Singh Chundawat Vs. Union of India & Ors.; S.B. Civil Writ Petition No.5211/2021* (decided on 18.07.2023) has been challenged in ***DB SAW No.769/2023 (State of Rajasthan & Ors. Vs. Dalpat Singh Chundawat & Anr.)*** which is also part of the present batch of special appeals.

B. SUBMISSIONS ON BEHALF OF THE APPELLANTS

6. Learned Advocate General, while arguing the present bunch of appeals, made the following submissions:

(i) Learned Single Judge has erred in deciding the writ petitions in light of the decision rendered in the case of ***Kamlesh Metacast Pvt. Ltd. Vs. State of Rajasthan & Ors.; S.B. Civil Writ Petition No. 13426/2020*** (decided on 25.06.2021) as the petitioner therein did not stand on the same footing as present respondent-writ petitioners. Therein, the petitioner had preferred a revision petition challenging the cancellation order dated 17.10.2015 which was allowed while remanding the matter for decision afresh and the writ petition was filed only after the fresh decision also maintained the earlier cancellation of the PL. In the present matters, the respondent-writ petitioners did not avail the remedy of filing revision petition and therefore, cannot stand on the same footing as the petitioner in the case of ***Kamlesh Metacast Pvt. Ltd. Vs. State of Rajasthan & Ors.; S.B. Civil Writ Petition No. 13426/2020*** (decided on 25.06.2021). Moreover, since the matter was remanded for decision afresh, it cannot be said that the matter was decided on merits and thus, cannot have application *in rem* and is only a judgment *in personam*. Learned Single Judge erred in observing that since the order passed by the revisional authority in the said case had not been challenged by the State Government, the fate of the revision petition, if preferred by the respondent-writ petitioners herein, would have been similar. Such reasoning is legally untenable and contrary to settled principles of law as merely because the State Government had not challenged the order passed in one particular case, the same would not automatically govern all subsequent matters. Every case is required to be examined on its own facts and merits and any order passed by the revisional authority would operate only as a judgment *in personam* and not as a judgment *in rem*. Therefore, the learned Single Judge ought to have relegated the respondent-writ petitioners to avail the statutory remedy of revision instead of entertaining the writ petition directly. Thus, the conclusions drawn by the learned Single Judge are contrary to the facts and settled legal principles.

(ii) The order dated 25.06.2021 passed in ***Kamlesh Metacast Pvt. Ltd. Vs. State of Rajasthan & Ors.; S.B. Civil Writ***

Petition No. 13426/2020 was challenged by the State in ***State of Rajasthan Vs. Kamlesh Metacast Pvt. Ltd.; D.B. Special Appeal Writ No. 754/2021***, which came to be dismissed vide order dated 30.01.2022. Aggrieved thereby, the respondents therein approached the Hon'ble Supreme Court, however, the SLP, being ***Union of India Vs. Kamlesh Metacast Pvt. Ltd.; SLP (C) No. 15528/2024***, also came to be dismissed vide order dated 15.07.2024. However, the Apex Court left the question of law open and thus, it cannot be said the judgment attained finality.

(iii) Learned Single Judge has erred in passing the impugned order without appreciating that the PLs/LOIs issued were themselves contrary to the Clauses 5.2.4 and 5.2.5 of the guidelines dated 30.10.2014 issued by the Central Government. The said guidelines had been framed in consonance with the directions issued by the Hon'ble Supreme Court and were mandatory in nature. All allotments were required to be undertaken through a transparent process by way of notification and auction only. Despite the existence of old applications, fresh applications were processed in a wholly arbitrary and haphazard manner and, therefore, the order dated 17.10.2015 was rightly issued discontinuing such process. Further, the Lokayukta had also found serious irregularities in the process relating to grant of LOI/PL/Mining Leases. Thus, the respondent-writ petitioners could not have sought any relief without challenging the validity of the Guidelines dated 30.10.2014, which had been issued in supersession of all previous instructions and were binding in nature. Reliance was placed on the judgment passed in the case of ***Centre for Public Interest Litigation and Ors. vs. Union of India (UOI) and Ors.; (2012) 3 SCC 104.***

(iv) The proposed amendment which was enforced on 12.01.2015, was placed in public domain on 17.11.2014, and the respondent-writ petitions upon knowing about the same, obtained the PLs and LOIs in collusion with the Government Officials which is the decision was taken to cancel such LOIs and PLs. Such decision was taken as the existing criteria of first come first serve basis was also not followed while granting the PLs and LOIs, at the case may be. Therefore, there was intentional and undue haste in issuing LOIs and PLs to the respondent-writ petitioners and there being no bar to review decision taken by the State itself, the decision to cancel the LOIs and PLs was taken.

(v) Learned Single Judge failed to consider the amendment notification dated 28.03.2021 whereby Section 10A(2)(b) of the Act of 1957 was amended by insertion of a proviso providing that all pending cases covered under the said provision would lapse upon commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2021 ("Amendment Act of 2021"). In view of the said amendment, all pending applications, including that of the respondent-writ petitioners, stood deemed to have been rejected by operation of law and no right survived thereafter for issuance of Mining Lease and therefore, even if PLs and LOIs are restored, the lease deed cannot be executed. Learned Single Judge failed to appreciate that once the statute itself extinguished the pending claims, no direction could have been issued in favour of the respondent-writ petitioners even if their cases pertained to the period prior to the amendment enforced in the year 2015.

(vi) Vide the Amendment Act of 2021, the provision of compensation has been introduced in Section 10A(2)(b) providing that the pending applications which lapse on account of the amendment, the holders of PL/reconnaissance permit shall be reimbursed the expenditure incurred towards reconnaissance or prospecting operations in such manner as may be prescribed by the Central Government. Therefore, the only remedy available to the respondent-writ petitioners is to seek such reimbursement. Further, the Section 10B which was introduced in the Act of 1957 by way of Amendment Act of 2015 provided for grant of mining lease in respect of notified minerals through auction, however, sub-section (1) provided that the provisions of this section shall not be applicable to cases covered by section 10A or section 17A or to minerals specified in Part A or Part B of the First Schedule or to land in respect of which the minerals do not vest in the Government. Thus, the respondent-writ petitioners claimed that they were saved under Section 10A of the Act of 1957, however, by way of amendment in the year 2021, Section 10B(1) was amended and "Section 10A" mentioned therein was omitted. Meaning thereby, the respondent-writ petitioners cannot now claim the protection of Section 10A. Reliance was placed on following judgments:

> ***(a)*** **Larsen & Toubro Limited Vs. Union of India and Ors.; W.P. (C)** ***No. 4301 of 2021 (Decided on 02.03.2023 – Orissa High Court)***

(b) Arcelormittal India Pvt. Ltd. & Anr. Vs. UOI; 2024 SCC OnLine Del 1401

(c) Ashapura Minechem Ltd. Vs. Indian Bureau of Mines and Ors.; Writ Petition No. 4160 of 2024 (Decided on 06.06.2025 – Bombay High Court)

(vii) In some of the matters, the mineral in question had subsequently been declared as a minor mineral and, in terms of Rule 5(4) of the Rules of 2017, no benefit could have been extended to such respondent-writ petitioners as the prescribed period had already expired.

(viii) Vested rights in matters relating to LOIs and PLs accrue only in favour of those applicants who have complied with all statutory requirements under the Act and Rules. Section 10A(2)(b) of the Act of 1957 protects only those cases where, prior to the Amendment Act of 2015, a valid PL had already been granted and the conditions attached thereto had been duly complied with. The mere issuance of a LOI does not confer any indefeasible or vested right for grant of Mining Lease. Section 19 of the MMDR Act, 1957 specifically provides that any mineral concession granted in contravention of the provisions of the Act, Rules or orders made thereunder shall be void. Therefore, the State Government was fully empowered to declare such mineral concession void in cases where statutory violations or irregularities were found. Reliance was placed on the judgment passed by the Hon'ble Supreme Court in the case of ***Bhushan Power and Steel Ltd., (2017) 2 SCC 125, South Eastern Coalfields Limited & Ors. Vs. S. Kumar's Associated AKM (JV); (2021) 9 SCC 166*** and ***State of***

Rajasthan and Ors. Vs. Sharwan Kumar Kumawat and Ors.; (2023) 20 SCC 747.

(ix) There are different provisions which provide for regulation of LOIs and PLs and therefore, they cannot stand on the same pedestal. The LOIs are issued merely to show the intention and are subject to fulfilment of certain conditions and therefore, do not create any vested right. The PLs are issued for a limited period of time to explore the possibility of finding mineral in the relevant area and also do not confer any vested right as the right can only be vested upon commencement of the mining lease period, if one is executed, and time period of lease occurs only upon the registration of the lease.

(x) Even if it is assumed that LOIs had been validly issued in favour of the respondent-writ petitioners, the period prescribed for compliance with the conditions of previous approval or LOI under Section 10A(2)(c) of the Act of 1957 stood expired on 11.01.2017, which was the statutory cut-off date prescribed under the provision then in force. Admittedly, the validity period of the LOI had never been extended and, therefore, no enforceable right survived thereafter in favour of the respondent-writ petitioners. Once the statutory period had lapsed, no relief could have been granted by the learned Single Judge directing consideration or grant of Mining Lease. Moreover, even for the sake for argument, it is assumed that there is a vested right, despite that the same can be taken away in public interest as auction is the best mode for commercial utilization of the natural resources.

(xi) Learned Single Judge further failed to appreciate that vide the order dated 02.08.2017 passed in the batch of writ petitions led by ***M/s Krishna Marble v. State of Rajasthan & Ors., S.B. Civil Writ Petition No.15337/2016,*** the Court had specifically granted liberty to the department to pass fresh orders after complying with the principles of natural justice and directed that such orders be passed by a Committee consisting of three members. It was contended that pursuant thereto, a Committee comprising of three senior officials of the State Government was constituted by the Chief Secretary and a reasonable opportunity of hearing was afforded to the respondent-writ petitioners through video conferencing. Only after granting due opportunity of hearing and considering the submissions advanced by the respondent-writ petitioners, the impugned order dated 10.02.2021 came to be passed. Therefore, the principles of natural justice had been fully complied with and the findings recorded by the learned Single Judge to the contrary are wholly unsustainable.

C. SUBMISSIONS ON BEHALF OF THE RESPONDENT–WRIT PETITIONERS

7. Learned senior counsel, Mr. M. S. Singhvi, appearing for respondent-writ petitioners in DB SAW No.250/2024 (State of Rajasthan & Ors. Vs. Ravi Real Mart Pvt. Ltd. & Anr.), 30/2024 (State of Rajasthan & Ors. Vs. Ravi Real Mart Pvt. Ltd. & Anr.), 707/2024 (State of Rajasthan & Ors. Vs. Krishna Marble & Anr.) and 324/2024 (State of Rajasthan & Ors. Vs. Krishna Marble & Anr.), while refuting the submissions made by learned Advocate General, made the following the submissions:

(i) The learned Single Judge rightly observed that the case of the respondent-writ petitioners stands on the same footing as that of the petitioner in ***Kamlesh Metacast Pvt. Ltd. Vs. State of Rajasthan & Ors.; S.B. Civil Writ Petition No. 13426/2020*** (decided on 25.06.2021), as the challenge therein also pertained to the cancellation of the PL issued to the petitioner, which was set aside by the Court. The fact that the respondent-writ petitioners stand on the same footing is fortified by the order dated 17.10.2015, whereby a decision was taken to cancel the LOIs and PLs issued between 01.11.2014 and 12.01.2015. In the said order, the names of Kamlesh Metacast Pvt. Ltd., Ravi Real Mart Pvt. Ltd., and Krishna Marble are mentioned at Serial Nos. 7, 8, and 9, respectively. Further, the order dated 25.06.2021 passed in ***Kamlesh Metacast Pvt. Ltd. Vs. State of Rajasthan & Ors.; S.B. Civil Writ Petition No. 13426/2020*** was challenged by the State in ***State of Rajasthan Vs. Kamlesh Metacast Pvt. Ltd.; D.B. Special Appeal Writ No. 754/2021***, which came to be dismissed vide order dated 30.01.2022. Aggrieved thereby, the respondents therein approached the Hon'ble Supreme Court, however, the SLP, being ***Union of India Vs. Kamlesh Metacast Pvt. Ltd.; SLP (C) No. 15528/2024***, also came to be dismissed vide order dated 15.07.2024. Although the question of law was kept open by the Apex Court, the same was not left open for reconsideration by the High Court.

(ii) The decision rendered in the case of ***Kamlesh Metacast Pvt. Ltd. Vs. State of Rajasthan & Ors.; SB CWP No.13426/2020*** (decided on 25.06.2021) cannot be said to *judgment in personam,* as the observations recorded therein pertain to the applicability of the guidelines issued on 30.10.2014 so also the amendment which was enforced on 12.01.2015. Thus, it is a *judgment in rem* so far as such findings are concerned since the interpretation of the guidelines and amendment cannot vary from case to case.

(iii) The impugned order dated 10.02.2021 is *ex facie* a non-speaking, cryptic and unreasoned order, passed in complete non-application of mind. The order does not disclose any independent consideration of the material placed on record by the respondent–writ petitioner, nor does it deal with the objections and submissions specifically raised before the authority. All cancellation orders in the present batch appear to have been passed in a cyclostyled and mechanical manner, without individualized consideration of the facts of each case. Such an approach itself demonstrates non-application of mind and vitiates the decision-making process. The writ petitionerS had not violated any term or condition of the statutory contract executed in its favour, and therefore, there existed no lawful basis for exercise of the power of cancellation.

(iv) The mining department was under a legal obligation to comply with the principles of natural justice in their true spirit. In the earlier round of litigation, this Court, while setting aside the previous cancellation of the prospecting licence, had consciously left it open to the Department to pass a fresh order in accordance with law only after affording due opportunity of hearing and examining the matter afresh. However, the impugned order dated

10.02.2021 has been passed in disregard of the said mandate, without meaningful consideration of the respondents' case, and is therefore liable to be set aside on this ground alone.

(v) The additional affidavit filed by the appellant–State in the connected matter, and the common additional affidavit filed in the present proceedings, raise wholly new pleadings which were neither part of the earlier round of litigation nor pleaded in the return filed before the learned Single Judge. The reasons for cancellation of the PL must stand or fall on the reasons recorded in the order dated 10.02.2021 itself, and the State cannot be permitted to supplement the same by introducing fresh grounds at a later stage through an additional affidavit. An order which is bad at its inception cannot be validated by subsequently invented reasons. Reliance was placed on the judgment passed in the case of ***Mohinder Singh Gill & Another v. Chief Election Commissioner, (1978) 1 SCC 405***.

Further, the plea regarding alleged irregularity in grant of mineral concession is not even founded on pleadings. No such case was pleaded either in the reply to the writ petition or in the memorandum of appeal. Moreover, the said argument had failed to find favour in the earlier round of litigation and is therefore barred by the principles of *res judicata* and constructive *res judicata*. Reliance was placed on the following judgments for this submission:

(a) Madras Bar Association v. Union of India, (2026) 2 SCC 1;

(b) Pradeep Kumar Maskara v. State of West Bengal, (2015) 2 SCC 653;

(c) Kalinga Mining Corp. v. Union of India & Ors., (2013) 5 SCC 252; and

(d) Union of India v. Major S.P. Sharma & Ors., (2014) 6 SCC 351.

(vi) The impugned cancellation order rests substantially on the guidelines dated 30.10.2014 issued by the Central Government, which had no statutory force and, therefore, could not have been relied upon to cancel the mineral concession granted in favour of the respondent–writ petitioners. In the order dated 02.08.2017 passed in the batch of writ petitions led by ***M/s Krishna Marble v. State of Rajasthan & Ors., S.B. Civil Writ Petition No.15337/2016***, this Court had already held that, in the absence of any statutory provision empowering the Central Government to issue such directions at the relevant time, the said guidelines were *dehors* the Act of 1957 and could not be pressed into service. Such power came to be conferred only upon insertion of Section 20A in the Act of 1957 with effect from 12.01.2015. Consequently, the alleged violation of paragraphs 5.2.4 and 5.2.5 of the non-statutory guidelines dated 30.10.2014 could not have furnished a valid basis for cancellation of the PL, and the impugned action is therefore arbitrary, unlawful and unsustainable. Further, the controversy relating to cancellation of the PL had already attained finality as the order dated 02.08.2017 stood affirmed up to the Hon'ble Supreme Court. The cancellation of a mineral concession can be ordered only in the circumstances expressly contemplated under Section 4A of the Act of 1957 or in accordance with the terms of the statutory contract. In the present case, neither any condition under Section 4A nor any contractual stipulation permitting cancellation has been established. It is a settled principle that when the law requires a thing to be done in a particular manner, it must be done in that manner alone or not at all. The respondents, therefore, could not have acted contrary to the statutory scheme governing execution of mining leases and cancellation of mineral concessions. An administrative order or executive instruction cannot override a statutory enactment or a binding regulation. The impugned order, to the extent it relies upon non-statutory guidelines or administrative directions to defeat rights flowing from the Act of 1957, is contrary to this settled principle of law and thus, having been passed *dehors* the statute, is unsustainable. Reliance was placed on the judgments passed in ***CBI v. R.R. Kishore, (2023) 15 SCC 339*** and ***Union of India v. Ashok Kumar Aggarwal, (2013) 16 SCC 147***.

(vii) The reliance placed by the State on the guidelines dated 30.10.2014, despite the earlier adjudication on the issue, renders the impugned order not merely illegal but wholly without jurisdiction. Once the Court had categorically recorded that the choice of placing reliance upon the said guidelines did not stand in law, the authorities could not have once again founded the impugned cancellation order on the very same guidelines. The impugned order is, therefore, null and void. Reliance was placed on the following judgments for this submission:

(a) State of Punjab & Anr. v. Jaisingh & Ors., (1995) Supp (4) SCC 626;

(b) Corporation of the City of Bangalore v. Kesoram Industries and Cotton Mills Ltd., (1989) Supp (2) SCC 753;

(c) State of Gujarat v. Maharaj Shri Amarshinhji Himatsinhji, (1978) 2 SCC 619;

(d) State of Maharashtra v. Pravin Jethalal Kamdar, (2000) 3 SCC 460;

(e) Damodar Engineering and Construction Co. v. Board of Trustees for the Port of Calcutta, (1994) 1 SCC 370;

(f) Calcutta Discount Co. Ltd. v. Income Tax Officer, Companies District I, Calcutta & Anr., AIR 1961 SC 372;

(g) Goan Sabha v. Nathi, (2004) 12 SCC 555;

(h) R. Sulochana Devi v. D.M. Sujatha & Ors., (2005) 9 SCC 335; and

(i) Krishna Kumar Singh v. State of Bihar, (2017) 3 SCC 1.

(viii) Since the impugned order dated 10.02.2021 is a nullity in the eye of law, the PL granted in favour of the respondent–writ petitioners must be deemed to have continued. As a result, the rights which had accrued in favour of the respondents prior to the cut-off date could not have been defeated by subsequent amendments or later administrative action.

(ix) The State cannot be permitted to adopt diametrically opposite stands in different proceedings. In ***Ram Singh Kaswan v. State of Rajasthan & Ors.; DBCWP (PIL) No. 5940/2015*** (decided on 12.05.2015), the State had filed an affidavit undertaking that allotment/grant orders issued in favour of similarly situated persons would be examined in accordance with law, in a transparent manner and by following due process. It was submitted that, acting on the said stand, this Court granted relief in similarly situated matters concerning Wonder Cement and Shree Cement in SB CWP No.126/2017 (decided on 23.08.2017 – Jaipur Bench) and SB CWP No.2414/2016 (decided on 18.09.2017), respectively. The State, having secured orders and acted upon that position in one set of proceedings, cannot now take a contrary stand in the present case to the prejudice of the respondent–writ petitioner. Reliance was placed on the following judgments for this submission:

(a) K.C. Bajaj & Ors. v. Union of India & Ors., (2014) 3 SCC 777;

(b) Dipak Babaria & Anr. v. State of Gujarat & Ors., (2014) 3 SCC 502;

(c) Rashmi Metaliks Ltd. v. Kolkata Metropolitan Development Authority & Ors., (2013) 10 SCC 95;

(d) The Post-Graduate Institute v. Dr. J.B. Dilawari, AIR 1988 SC 1348;

(e) Bharat Coking Coal v. State of Bihar & Ors., (1990) 4 SCC 557.

(f) Shree Cement Ltd. v. Union of India; SB CWP No. 2414/2016 (decided on 18.09.2017)

(g) State of Rajasthan v. Shree Cement; DB SAW No. 1670/2018 (decided on 20.10.2022)

(x) The impugned action amounts to hostile discrimination against the respondent–writ petitioners and violates Article 14 of the Constitution of India. Upon *en masse* cancellation of existing LOIs and PLs by the State vide order dated 17.10.2015, several similarly situated entities approached this Court. In one such case concerning Wonder Cement Ltd., the revision petition filed by the company was allowed by the Central Government, and thereafter this Court directed execution of the mining lease in its favour. Despite the respondent–writ petitioner being similarly placed, the State has chosen to deny the same treatment and has passed the impugned cancellation order in a discriminatory and arbitrary manner.

(xi) The plea regarding applicability of Amendment Act of 2021 was not pressed before the learned Single Judge and, therefore, the State cannot be permitted to raise the same for the first time in appeal. Although the said plea was urged in another matter being ***M/S N.U. Vistas Ltd. Vs. UOI & Ors.; SB CWP No.360/2017*** (decided on 01.09.2021 – Jaipur Bench), it was not accepted by the learned Single Judge. Even when the case was carried to the Hon'ble Supreme Court, the Supreme Court did not interfere with the judgment. Thus, the State, having consciously not pressed this contention before the writ court in the present case, cannot now be allowed to advance it selectively in appeal, particularly when such a course would result in discriminatory treatment vis-à-vis similarly situated cases. Reliance was placed on the judgment rendered in the case of ***Bommagani Refinery & Petrochemicals Ltd. v. Girish Chandra Sarma, (2007) 7 SCC 206***. Moreover, in another litigation wherein an interim direction was issued to the State to execute the lease deed, vide order dated 18.03.2021 passed in ***S.B. Civil Writ Petition No. 15114/2016; Ojaswi Marbles & Granites Pvt. Ltd. Vs. State of Rajasthan & Ors.,*** and the said order was challenged before the Division Bench by way of ***D.B. Special Appeal Writ No. 301/2021; State of Rajasthan & Ors. Vs. Ojaswi Marbles & Granites Pvt. Ltd. & Ors.*** (decided on 08.07.2021), a specific statement was made by the learned Additional Advocate General appearing on behalf of the State before the Division Bench to the effect that the Amendment Act of 2021 would not be applicable to the respondent-company therein. Therefore, at this stage, the State cannot be permitted to take a complete U-turn and contend that the Amendment Act of 2021 is applicable on similarly situated persons.

(xii) The ordinary rule of litigation is that the rights of the parties stand crystallized on the date of commencement of litigation, and the right to relief has to be adjudged with reference to the law and factual position obtaining on that date. In the present case, this Court had directed constitution of a committee to examine each matter on its own merits and to take a final decision independently. The committee, however, failed to adhere to the stipulated time frame. The delay on the part of the respondents, followed by the subsequent amendment of 2021, cannot be used to alter the character of past transactions or to defeat the rights and investments that had already accrued to the respondent–writ petitioners under the earlier legal regime. Reliance was placed on the judgment rendered in the case of ***Beg Raj Singh v. State of U.P., (2003) 1 SCC 726.***

(xiii) No retrospective operation can be given to a statutory provision so as to impair, extinguish or take away an existing right unless the statute clearly and expressly provides for such retrospectivity. The Amendment Act of 2015 did not authorize retrospective application to the detriment of applicants whose rights had already accrued under the previous statutory framework. The respondents could not, therefore, invoke subsequent legislative amendments to defeat the respondent's accrued rights. Reliance was placed on the following judgments for this submission:

(a) A.A. Calton v. Director of Education, (1983) 3 SCC 33;

(b) State of West Bengal v. Mandira Chatterjee, (2012) 13 SCC 582;

(c) T.R. Kapur v. State of Haryana, 1986 Supp SCC 584; and

(d) Chairman, Railway Board v. C.R. Rangadhamaiah, (1997) 6 SCC 623.

(xiv) The respondent–writ petitioners had acquired a vested and valuable right under Section 11 of the Act of 1957, as it stood prior to the amendment which came into effect from 12.01.2015.

Under the pre-amended regime, a reconnaissance permit holder or PL holder enjoyed a preferential right to obtain a PL or mining lease, as the case may be, upon fulfilment of the prescribed conditions. Upon insertion of Section 10A(2)(b) in the Act of 1957 by the 2015 amendment, such rights were expressly preserved. Section 10A(2)(b) safeguarded applications where, prior to the commencement of the Amendment Act of 2015, a reconnaissance permit or PL had been granted and the permit-holder or licence-holder had earned the right to obtain the next-stage mineral concession upon satisfaction of statutory requirements. In the present case, the respondent–writ petitioners, after being granted the PL, had altered its position, made substantial investments of money, time and effort, obtained trained personnel, acquired relevant scientific and technical resources, and carried out prospecting activities. Thus, the preferential right arising from prospecting work cannot be measured merely in monetary terms. Such rights, having accrued and been statutorily preserved, could not be nullified by the impugned order. Reliance was placed on judgment passed in the case of ***State of West Bengal & Anr. v. Chiranjilal (Mineral) Industries of Bagandih & Anr., 2023 SCC OnLine SC 1149.***

(xv) The Amendment Act of 2021 does not affect the respondents' case, because the respondents' rights had already crystallized under the pre-existing statutory regime and stood saved by Section 10A(2)(b) of the Act of 1957. The State Government had already taken steps in furtherance of the statutory process and entered into a contract in favour of the respondent. The respondent had commenced prospecting operations pursuant thereto. In such circumstances, the impugned order dated 10.02.2021 amounts to arbitrary and colourable exercise of power. Further, the proviso introduced through the Amendment Act of 2021 cannot be interpreted in a manner that extinguishes the substantive right conferred by the main provision of Section 10A(2)(b). A proviso is meant to carve out an exception or qualify the main enactment, it cannot be construed so as to destroy or override the very right which the substantive provision protects. Reliance was placed on the following judgments for this submission:

(a) Bhushan Power and Steel Ltd., (2017) 2 SCC 125; and

(b) Tribhovandas Haribhai Tamboli v. Gujarat Revenue Tribunal, (1991) 3 SCC 442.

(xvi) The use of the expression "lapse" in the Amendment Act of 2021 has been misconstrued by the State. The concept of lapse ordinarily refers to termination of a right due to failure of the holder to perform an act within the prescribed time or upon occurrence/non-occurrence of a contingency attributable to the holder. In the present case, however, the delay in execution of the mining lease was entirely attributable to the State and not to any default on the part of the respondent–writ petitioners. The proviso cannot, therefore, be interpreted to punish the respondent for the State's own inaction. Further, the expression "lapse" has also been used in other statutory contexts, including the Land Acquisition Act, 1894 and the Right to Fair Compensation and Transparency in

Land Acquisition, Rehabilitation and Resettlement Act, 2013, where the consequence of lapse is tied to failure of the acquiring authority to complete the statutory process within time. Thus, the very concept of lapse cannot be invoked against a party who is not responsible for the delay. Moreover, as held by Hon'ble the Supreme Court in the case of ***AA Haja Maniuddin Vs. Indian Railways; (1992) 4 SCC 736***, while interpreting statutes, courts must prefer an interpretation which advances the cause of justice and avoids manifest injustice. In the present case, any interpretation whereby the respondents' rights are extinguished on account of delay caused by the State authorities themselves would be inequitable, unjust and contrary to settled principles of statutory construction. The State cannot be permitted to take advantage of its own wrong.

(xvii) Auction of natural resources cannot be treated as the sole or constitutionally mandated mode for grant of mineral concessions. The Hon'ble Supreme Court has clarified that the Constitution does not prescribe auction as the exclusive method of disposal of natural resources. Distribution of State largesse must certainly meet the test of fairness and Article 14, but it does not follow that every non-auction mode is per se unconstitutional. Reliance was placed on the following judgments:

(a) Natural Resources Allocation, In re, Special Reference No. 1 of 2012, (2012) 10 SCC 1; and

(b) Ved Prakash Ramesh Chandra & Co. v. State & Ors., (2002) 3 WLC 207.

(xviii) So far as the contention raised on behalf of the State qua the decision to issue PLs to the respondents is concerned, an administrative action cannot be said to be *mala* fide merely because it was taken in haste as held in the judgments rendered in ***Chairman & Managing Director, BPL Ltd. v. S.P. Sharma, (2003) 8 SCC 567*** and ***Somya Gurjar v. State of Rajasthan, (2021) SCC OnLine Raj 713***.

8. Learned senior counsel, Mr. Kamlakar Sharma, appearing on behalf of the respondent-writ petitioner in DB SAW No.1256/2025 (State of Rajasthan & Ors. Vs. Jainil Mines and Minerals & Anr.), while adopting the arguments made by learned senior counsel Mr. M.S. Singhvi, further elaborated the submissions in following manner:

(i) All the arguments raised herein on behalf of the State were raised in the case of ***Kamlesh Metacast Pvt. Ltd. Vs. State of Rajasthan & Ors.; S.B. Civil Writ Petition No. 13426/2020*** (decided on 25.06.2021) as well as ***State of Rajasthan Vs. Kamlesh Metacast Pvt. Ltd.; D.B. Special Appeal Writ No. 754/2021*** (decided on 30.01.2022) which has attained finality and therefore, the decision to cancel the PL of the present respondent-writ petitioner cannot stand.

(ii) Earlier, when decision was taken vide order dated 17.10.2015 to cancel the LOIs and PLs issued during the period from 01.11.2014 to 12.01.2015, several parties approached the revisional authority whereas some parties directly approached the Court invoking the writ jurisdiction. The mere argument of the State that in the case of ***Kamlesh Metacast Pvt. Ltd. Vs. State***

of Rajasthan & Ors.; S.B. Civil Writ Petition No. 13426/2020 (decided on 25.06.2021), a revision petition was filed, cannot sustain for the reasons that firstly, the said argument has been decided by learned Single Judge against the State and secondly, this does not alter the fact that the parties stand on same footing.

(iii) The State Government has complete authority under the Act of 1957 for granting the leases except in connection with the minerals which are included under Part A & B of the first Schedule as per Section 5 of the said Act. As per the proviso to Section 5(1) of the Act of 1957, the Central Government's approval is confined to the minerals included under Part A & B of the first Schedule of the Act of 1957. In the present case, the minerals did not fall under either Part A or Part B of the first schedule of the Act of 1957, therefore, there was no occasion to seek approval from the Central Government.

(iv) Section 20A whereby power has been granted to the Central Government to issue guidelines was inserted vide amendment which came into effect on 12.01.2015, thus the Central Government had no authority to issue the guidelines prior to the said amendment. Therefore, the guidelines dated 30.10.2014 were issued without any statutory backing and cannot be a reason for cancellation of the LOIs or PLs.

(v) The use of word 'granted' in Section 10A(2)(b) of the Act of 1957 has to be used in a wider sense and not in a restrictive sense, because Rule 15 of the Rules of 1960 only states that the commencement will from date of the execution of the lease deed and such execution of lease deed being only a formal function, the 'grant' of PL creates a vested right. Then, the Amendment of 2021 will not come in way.

(vi) The Karnataka High Court in the case of ***Indocil Silicons Pvt. Ltd. V. Union of India; W.P. No. 1920 of 2021*** (decided on 27.05.2022) specifically held that the Amendment of 2021 would not apply on the LOIs and PLs which are saved by Section 10A(2)(b) of the Act of 1957. Also, the LOIs and PLs did create a vested right of the parties. Moreover, the execution of lease deed cannot be denied as the delay in doing is not attributable to the respondent–writ petitioner.

9. Learned senior counsel, Mr. Manoj Bhandari, appearing for respondent-writ petitioners in DB SAW No.1250/2025 and 863/2023 while adopting the arguments made by learned senior counsel Mr. M.S. Singhvi and Mr. Kamlakar Sharma, submitted that in DB SAW No. 863/2023 (State of Rajasthan & Ors. Vs. Solanki Minerals & Anr.), originally the PL was issued to one Smt. Kanchan Devi in the year 2007 who transferred the same in the name of the present respondent-writ petitioner in the year 2013. Subsequently, a recommendation was made to execute mining lease and thereafter, the LOI was issued on 31.12.2014. Even as per the observations of the Lokayukta, the matter was to be reviewed and therefore, it cannot be said that the decision to issue LOI was taken in hasty manner or arbitrarily.

9.1. Similarly in DB SAW No.1251/2025 (State of Rajasthan & Ors. Vs. Ashok Kumar Jain & Anr.), the respondent-writ petitioner applied on 17.12.2002 and was issued LOI only on 09.01.2015, therefore it cannot be said that it was a hasty decision as in the interregnum period, the petitioner's initial application was rejected and consequently, a revision was filed which came to be allowed and it is only on direction issued in such revision that the application of petitioner was processed and he was issued LOI.

9.2. The non-compliance of the conditions of the LOI within the prescribed two years cannot be attributed to the respondent-writ petitioners and period has to be taken as *dies non*.

9.3. Learned senior counsel for the for respondent-writ petitioners submitted that the Amendment Act of 2021 has no bearing upon the LOI granted in favour of the respondents prior to the enforcement of the said amendment inasmuch as the amendment is prospective in nature. It was contended that the proviso introduced by way of the Amendment Act of 2021 has been appended only to Section 10A(2)(b) of the Act of 1957, which pertains to grant of prospecting licence followed by mining lease, and the same has no application to cases falling under Section 10A(2)(c), where LOI had already been issued prior to the Amendment Act of 2015. It was further submitted that the newly inserted proviso merely contemplates lapse of the right to obtain a prospecting licence followed by mining lease or mining lease, including pending cases as on the date of commencement of the Amendment Act of 2021, and nowhere provides for lapse of rights arising out of a LOI granted prior to the Amendment Act of 2015.

9.4. Learned counsel further submitted that Section 10A(2)(c) of the Act of 1957, which specifically protects and preserves the rights flowing from LOI granted prior to the 2015 amendment, has consciously been left untouched by the Amendment Act of 2021 and continues to operate in its original form. It was, therefore, argued that the LOI granted in favour of the respondents could not have been cancelled by taking recourse to the Amendment Act of 2021. It was additionally contended that the Amendment Act of 2021 came into force only on 28.03.2021, whereas the order cancelling the respondents' LOI had already been passed on 10.02.2021. Hence, a subsequent amendment, which was not even in existence on the date of passing of the impugned order, could neither be invoked to justify the cancellation nor furnish any ground for review of the said order.

10. Learned counsel Mr. Naveen Kumar while adopting the arguments made by learned senior counsel Mr. M.S. Singhvi, Mr. Kamlakar Sharma and Mr. Manoj Bhandari, appearing on behalf of the respondent-writ petitioners in DB SAW No.1232/2025(State of Rajasthan & Ors. Vs. Smt. Kiran Devi & Anr.) and DB SAW No.1251/2025 (State of Rajasthan & Ors. Vs. Smt. Bala Devi & Anr.), while relying upon the judgment rendered in the case of Karnataka High Court in the case of ***Indocil Silicons Pvt. Ltd. V. Union of India; W.P. No. 1920 of 2021*** (decided on 27.05.2022), submitted that the Amendment Act of 2021 would not apply on the LOIs which are saved by Section 10A(2)(c) of the Act of 1957 as created a vested right of the parties and the delay in further process was on part of the State and not respondent-writ petitioners.

10.1. Further, while relying upon a recent judgment passed by the Gujarat High Court in the case of ***Vadraj Cement Ltd. v.***

Union of India, 2026 SCC OnLine Guj 952, learned counsel submitted that rights of parties cannot be forfeited merely because the formal lease deed was not executed and registered on or before 11.01.2017.

10.2. While relying upon the judgment passed in the case of ***Aane Mines & Minerals v. State of Karnataka, 2019 SCC OnLine Kar 3791,*** he submitted that the rights of the parties stand crystallized on the date of commencement of litigation i.e. the date on which the respondent-petitioners entered the portals of the court, therefore, even otherwise, the Amendment Act of 2021 cannot away their rights so crystallized.

11. Heard learned counsel for the parties and perused the material available on record.

D. RELEVANT FACTS AND LEGISLATIVE CHANGES

12. Before delving into adjudication of the controversy raised in the present bunch of appeals, considering the fact that this is second round of litigation, it would be appropriate to refer to the relevant facts so also the legislative changes that have led to this stage of litigation:-

(i) In the present batch of appeals, the respondent-writ petitioners are the individuals, partnerships or companies who had either been issued LOI or PL by the State between the period ranging from 30.10.2014 to 12.01.2015.

(ii) On 30.10.2014, the Central Government issued guidelines whereby it was directed that the grant of mineral concession by the State Government should be by inviting applications by notifying in Official Gazette and on website of State Government for wide publication.

(iii) On 12.01.2015, the Amendment Act of 2015 was enforced whereby the earlier regime of "first come first serve" was done away with and the auction regime was introduced.

(iv) Section 10A was introduced in the Act of 1957 whereby it was stated that all applications received prior to the date of commencement of the Amendment Act of 2015, shall become ineligible, however, the rights of existing concession holders and applicants was saved under sub-section (2) of the said Section if they fulfilled the stipulated requisites.

(v) Under Section 10A(2)(c) which was introduced by the Amendment Act of 2015, it was provided that where the Central Government has communicated previous approval as required under sub-section (1) of section 5 for grant of a mining lease, or if a letter of intent (by whatever name called) has been issued by the State Government to grant a mining lease, before the commencement of the Amendment Act of 2015, the mining lease shall be granted subject to fulfilment of the conditions of the previous approval or of the LOI within a period of two years from the date of commencement of the said Amendment Act. Meaning thereby, the conditions of the LOI or the approval letter were to be complied latest by 11.01.2017.

(vi) The grievance of the present respondent-writ petitioners arose when their LOI or PL, as the case may be, were cancelled by a common order dated 17.10.2015 passed by the State Government on the ground that the preliminary report of the

Review / Reconsideration Committee revealed serious irregularities in the disposal of mining lease applications during the period from 01.11.2014 to 12.01.2015. It was found that, out of about 19,000 applications, only 3.88% were processed under the guise of the "first come, first served" policy, wherein later applications were given undue preference over earlier pending applications and LOIs were issued in undue haste within 2 to 5 working days. The report further disclosed that such approvals were granted in violation of the guidelines issued by the Central and State Governments and without transparency. Considering the need to maintain integrity and transparency in public administration, the State Government decided to cancel 548 LOIs and 53 other approvals/licences issued during the said period.

(viii) Since a mass cancellation of LOI/PL took place, the first round of litigation began when the order dated 17.10.2015 was challenged by filing various writ petitions and the same was set aside while directing to afford opportunity of hearing to the parties and take decision afresh.

(ix) Thereafter, the orders dated 10.02.2021 came to be passed whereby too, the respective LOIs and PLs were cancelled. Thus, the second round of litigation started wherein the said orders dated 10.02.2021 were challenged by the respective respondent-writ petitioners. The writ petitions so filed were allowed while quashing the orders of cancellation dated 10.02.2021 in terms of the decision rendered by the learned Single Judge of this Court at Jaipur Bench in the case of *Kamlesh Metacast Pvt. Ltd. Vs. State of Rajasthan & Ors.; S.B. Civil Writ Petition No. 13426/2020* (decided on 25.06.2021). Hence, the present bunch of appeals has been filed challenging the decision of learned Single Judge in disposing of the writ petitions in light of the said judgment.

(x) During the interregnum period between filing of the writ petitions and disposal of the same, Amendment Act of 2021 was enforced on 28.03.2021 whereby a proviso was added under clause (b) of sub-section (2) of Section 10A of the Act of 1957 stating that for the cases covered under the said clause including the pending cases, the right to obtain a prospecting licence followed by a mining lease or a mining lease, as the case may be, shall lapse on the date of commencement of the Amendment Act of 2021. Also, sub-clause (d) was added under Section 10A(2) of the Act of 1957 providing that in case the right has lapsed under clause (b) or (c) of the said Section, then the cocnerned areas would be put to auction.

(xi) The respondent-writ petitioners were although issued their respective PLs and LOIs between the period from 30.10.2014 to 12.01.2015, however, mining lease has not been issued till date in favour of anyone of them.

E. ISSUES

13. Upon consideration of the above facts so also the arguments advanced before this Court, the following issues arise for adjudication in the present batch of appeals:-

> *(i) Whether in view of the amendment introduced by the Amendment Act of 2021 in Section 10A(2) of the Act of 1957, the claim of the present respondent-writ petitioners, who were issued LOIs/PLs during the period from 01.11.2014 to 12.01.2015 and are seeking execution of mining leases, would survive or not?*

(ii) Whether the process of "first come first serve" was duly followed in the grant of LOIs/PLs and, if not, what would be the legal consequences thereof and whether alleged violation of guidelines and/or procedural irregularities alone could constitute a valid basis for termination of LOIs/PLs?

(iii) Whether the learned Single Judge was justified in deciding the writ petitions on the basis of the judgment rendered in ***Kamlesh Metacast Pvt. Ltd. Vs. State of Rajasthan & Ors.; S.B. Civil Writ Petition No. 13426/2020*** *(decided on 25.06.2021)?*

14. Before adverting to the adjudication of the issues framed hereinabove, this Court is of the considered view that Issue No. 1 deserves to be examined in the first instance. In the event the said issue is decided in favour of the appellants, adjudication of the remaining issues perhaps would remain merely an academic exercise. Even if the other issues were to be decided in favour of the respondent-writ petitioners, no effective or consequential relief could ultimately be granted to them. In view of the aforesaid, this Court deems it appropriate to first adjudicate and determine Issue No. 1.

F. PRELIMINARY OBJECTION RAISED BY THE RESPONDENT - WRIT PETITIONERS ON ISSUE NO.1

15. Learned Advocate General, appearing on behalf of the State, raised a contention that upon the enactment of the Amendment Act of 2021, which came into force with effect from 28.03.2021, the pending applications of the respondent-writ petitioners seeking execution of mining leases, by virtue of their status as LOI

holders or PL holders, stood lapsed by operation of law. Reliance was placed on judgments rendered by the Orissa High Court in ***Larsen & Toubro Limited*** (supra), by the Delhi High Court in ***Arcelormittal*** (supra) and by the Bombay High Court in ***Ashapura Minechem*** (supra).

15.1. *Per contra*, learned counsel appearing on behalf of the respective respondent-writ petitioners raised a preliminary objection to the aforesaid contention and submitted that the State is precluded from raising such a ground at this stage, inasmuch as the said contention was never raised before the learned Single Judge while the matters were adjudicated in the light of the judgment rendered in *Kamlesh Metacast Pvt. Ltd. v. State of Rajasthan & Ors.; S.B. Civil Writ Petition No. 13426/2020* (decided on 25.06.2021). Reliance was also placed on the judgment rendered in ***State of Rajasthan & Ors. v. Ojaswi Marbles & Granites Pvt. Ltd. & Ors.; D.B. Special Appeal Writ No. 301/2021*** (decided on 08.07.2021), to contend that in the said case, pertaining to a similarly situated party, a specific statement had been made by the learned Additional Advocate General appearing on behalf of the State that the Amendment Act of 2021 would not apply to the respondent-company therein. It was, therefore, contended that the State cannot now be permitted to take a contrary stand and contend that the Amendment Act of 2021 is applicable to the present respondent-writ petitioners.

F.1. WHETHER THE PLEA COULD BE RAISED AT THE APPELLATE STAGE

16. So far as the contention raised that since plea regarding applicability of the Amendment Act of 2021 was not raised before the learned Single Judge, the same cannot be raised in the present appeals. In the considered opinion of this Court, the said argument cannot sustain.

16.1. The Apex Court in ***State of Rajasthan v. Karamchand Thappar and Bros.; AIR 1965 SC 913*** observed that <u>a pure question of law can be permitted to be raised even at a later stage of the proceedings, particularly where the issue can be decided on the basis of material already available on record and does not require any further factual inquiry.</u> The Court held that although the appellant had objected to raising an additional contention regarding whether the supply of coal amounted to a "sale", such contention deserved consideration since it involved a legal issue arising from interpretation of law in light of a subsequent judgment of the Court. The Apex Court accordingly permitted the plea to be raised and remitted the matter to the High Court for adjudication in accordance with law.

16.2. Further, the Apex Court in the case of ***Joint Council of Bus Syndicate and Ors. Vs. Union of India (UOI) and Ors.; AIR 1992 SC 1616*** observed that even though the contention regarding improper constitution of the statutory Committee under the Insurance Act had not been specifically raised in the writ petitions before the High Courts, the same could nevertheless be permitted to be urged before the Court since the issue involved a pure question of law relating to interpretation of statutory provisions and did not require adjudication upon disputed questions of fact. The Court declined to adopt a technical approach to reject the contention merely on the ground that it had not been pleaded earlier and held that where a plea is founded purely on construction of law and no factual inquiry or additional evidence is necessary, such a question of law can be raised and considered at any stage of the proceedings.

16.3. Keeping in view the renditions of the Hon'ble Supreme Court, in the considered opinion of this Court, the applicability of the Amendment Act of 2021 is a question of law and therefore, can be raised at any stage including in the present appeals. Moreover, considering the fact that the said ground was pleaded in the reply filed by the State before the learned Single Judge, this Court is of the opinion that the said ground was not completely absent from pleadings before the learned Single Judge.

F.2. EFFECT OF CONCESSION MADE IN EARLIER PROCEEDINGS ON BEHALF OF THE STATE

17. So far as the concession made by learned Additional Advocate General is concerned, in the considered opinion of this Court, the statement made by the then learned Additional Advocate General in the case of ***State of Rajasthan & Ors. v. Ojaswi Marbles & Granites Pvt. Ltd. & Ors.; D.B. Special Appeal Writ No. 301/2021*** (decided on 08.07.2021), does not preclude the State authorities from raising the present question of law in the facts and circumstances of the instant matters. It is well settled that a concession or statement made on a question of law, if contrary to the statutory provisions, is not binding upon the parties or the Court, and no party can claim any vested right or benefit on the basis of such erroneous concession. The Hon'ble Supreme Court, in catena of decisions, has consistently held that a

wrong concession on a pure question of law does not operate as an estoppel against the State. Reference may be had to some of the judgments wherein the said observations came to be recorded.

Uptron India Limited vs. Shammi Bhan and Ors.; (1998) 6 SCC 538

> *"23. In view of this observation, the question whether the stipulation for automatic termination of services for overstaying the leave would be legally bad or not, was not decided by this Court in the judgment relied upon by Mr. Manoj Swarup. In that judgment the grounds on which the interference was made were different. The judgment of the High Court was set aside on the ground that it could not decide the disputed question of fact in a writ petition and the matter should have been better left to be decided by the Industrial Tribunal. Further, the High Court was approached after more than six years of the date on which the cause of action had arisen without there being any cogent explanation for the delay. Mr. Manoj Swarup contended that it was conceded by the counsel appearing on behalf of the employee that the provision in the Standing Orders regarding automatic termination of services is not bad. This was endorsed by this Court by observing that "Learned counsel for the respondent rightly made no attempt to support this part of the High Court's order." This again cannot be treated to be a finding that provision for automatic termination of services can be validly made in the Certified Standing Orders. <u>Even otherwise, a wrong concession on a question of law, made by a counsel, is not binding on his client. Such concession cannot constitute a just ground for a binding precedent.</u> The reliance placed by Mr. Manoj Swarup on this judgment, therefore, is wholly out of place."*

Union of India (UOI) and Ors. vs. S.C. Parashar; (2006) 3 SCC 167

> *"9. Before adverting to the said question we may record that wrong concession of a counsel on a pure question of law is not binding upon a party. It is furthermore trite that non-mentioning or wrong mentioning of a provision in an order may be held to be irrelevant if it is found that the*

requisite ingredients thereof were available on records for passing the same. We may further notice that the High Court proceeded on the basis that the penalty imposed upon him was a major penalty.

XXX XXX XXX

11. However, there cannot be any doubt whatsoever that the Disciplinary Authority never intended to impose a minor penalty. The concession of the learned Counsel appearing for the appellant before the High Court was apparently erroneous. <u>It is now well-settled that wrong concession made by a counsel before the court cannot bind the parties when statutory provisions clearly provide otherwise.</u> [See Union of India and Ors. v. Mohanlal Likumal Punjabi and Ors. : 2004 (166) ELT 296 (SC)]. The penalty imposed upon the respondent, in our considered view, therefore, should be kept confined to the reduction to the minimum of the time-scale of pay for a period of three years with cumulative effect."

Bharat Heavy Electricals Ltd. vs. Mahendra Prasad Jakhmola and Ors.; (2019) 13 SCC 82

"11. What is clear from the evidence that was led by the parties is that the aforesaid gate passes were issued, as has been stated by the Appellant's witness, only at the request of the contractor for the sake of safety and also from the administrative point of view. The idea was security, as otherwise any person could enter the precincts of the factory. This evidence was missed by the Labour Court when it arrived at a conclusion that a direct relationship ought to be inferred from this fact alone. Further, as has been correctly pointed out by Shri Sudhir Chandra, the Appellant has, not only in the first review, but also in the writ petition filed, taken the plea that no such concession was ever made. Moreover, quite apart from this plea and the counter plea of Ms. Jain that the person who has made such concession should have stated that he did not do so, concessions on mixed questions of fact and law cannot decide cases as the evidence as a whole has to be weighed and inferences drawn therefrom.

12. <u>Even a concession on facts disputed by a Respondent in its written statement cannot bind the Respondent.</u> Thus, in

Swami Krishnanand Govindananad v. Managing Director, Oswal Hosiery (Regd.) : (2002) 3 SCC 39, this Court held:

XXX XXX XXX

13. <u>Equally, where a question is a mixed question of fact and law, a concession made by a lawyer or his authorised representative at the stage of arguments cannot preclude the party for whom such person appears from re-agitating the point in appeal.</u> In 'C.M. Arumugam v. S. Rajgopal' (1976) 1 SCC 863, this Court held:

XXX XXX XXX"

17.1. Thus, in view of the settled legal position as expounded by the Hon'ble Supreme Court in the above-quoted cases, it is clear that a concession erroneously made by counsel on a pure question of law does not bind either the parties or the Court. The applicability and interpretation of the Amendment Act of 2021 being a pure question of law arising from the statutory scheme and legislative intent, the statement made by the learned Additional Advocate General in the case of ***State of Rajasthan & Ors. Vs. Ojaswi Marbles & Granites Pvt. Ltd. & Ors.; D.B. Special Appeal Writ No. 301/2021*** (decided on 08.07.2021) cannot estop the State from canvassing the correct legal position in the present proceedings. Therefore, this Court is of the considered opinion that the respondent-writ petitioners cannot claim any vested or enforceable right on the basis of such concession, and the controversy has to be adjudicated strictly in accordance with the provisions of the Amendment Act of 2021 and the law laid down by the Hon'ble Apex Court.

18. Coming now to the argument advanced on behalf of the respondent-writ petitioners that the plea regarding applicability of

the Amendment Act of 2021 had also been raised in another similar matter, namely, ***M/S N.U. Vistas Ltd. Vs. UOI & Ors.; SB CWP No.360/2017*** (decided on 01.09.2021 – Jaipur Bench), however, it was not accepted by the learned Single Judge. Even when the case was carried to the Hon'ble Supreme Court, the Supreme Court did not interfere with the judgment.

18.1. A perusal of the aforesaid judgment reveals that only a passing reference was made therein in the following terms:

> *"18. In D.B. Special Appeal (Writ) No.301/2021, "The State of Rajasthan & Ors. Vs. Ojaswi Marbles Ltd. les Ltd. & & Ors.", decided by the Principal Seat at Jodhpur on 08.07.2021, the Division Bench noticed submissions of learned Additional Advocate General that amendment made under the MMDR Act vide Notification dated 20.03.2021 would not cover the cases where applications have been moved much earlier and LoI having been issued much earlier and observed as under:"*

18.2. As already discussed in the preceding paragraphs, the statement made by the learned Additional Advocate General before the Division Bench in *State of Rajasthan & Ors. Vs. Ojaswi Marbles & Granites Pvt. Ltd. & Ors.; D.B. Special Appeal Writ No. 301/2021* (decided on 08.07.2021), cannot operate as an estoppel against the State from canvassing the correct legal position in the present proceedings. This Court is further of the view that since reliance in ***M/S N.U. Vistas Ltd. Vs. UOI & Ors.; SB CWP No.360/2017*** (decided on 01.09.2021 – Jaipur Bench) was primarily placed upon the aforesaid statement made in *State of Rajasthan & Ors. Vs. Ojaswi Marbles & Granites Pvt. Ltd. & Ors.; D.B. Special Appeal Writ No. 301/2021* (decided on 08.07.2021), the same cannot be treated as laying down any binding proposition with regard to the non-applicability of the Amendment Act of 2021. Furthermore, the question regarding applicability of the Amendment Act of 2021 was neither directly examined nor adjudicated on merits in either of the aforesaid cases. Therefore, it cannot be conclusively held, merely on the basis of the said decisions, that the Amendment Act of 2021 is inapplicable to the cases of the present respondent-writ petitioners.

19. In view of the foregoing discussion, this Court now proceeds to examine and adjudicate Issue No. 1 on its merits.

G. EFFECT OF THE AMENDMENT ACT OF 2021 ON THE CLAIMS OF LOI/PL HOLDERS

20. While advancing submissions on the merits of the issue, learned Advocate General contended that by virtue of the amendment introduced in clause (b) of Section 10A(2) of the Act of 1957, the rights, if any, claimed by the respondent-writ petitioners stood lapsed by operation of law and, therefore, at this stage, they cannot assert any enforceable right for grant or execution of mining leases in their favour.

20.1. Countering the said submission, learned counsel appearing on behalf of the respondent-writ petitioners submitted that the petitioners had acquired vested rights, inasmuch as the LOIs/PLs had been issued in their favour prior to the coming into force of the Amendment Act of 2015. It was contended that the amendments made under Section 10A(2) of the Act of 1957 vide the Amendment Act of 2021 cannot be applied retrospectively so as to divest the petitioners of their accrued and vested rights. It was further submitted that, apart from such vested rights, the petitioners also had a legitimate expectation of being granted mining leases, particularly in view of the substantial investments and compliances undertaken by them pursuant to the issuance of the LOIs/PLs.

21. A major issue arises in relation to Section 10A of the Act of 1957, which was inserted by the Amendment Act of 2015 and subsequently amended by the Amendment Act of 2021. By virtue of the Amendment Act of 2015, the regime of allocation by auction came to be introduced. It is true that, for a considerable period, the principle of "first come, first served" had been followed, however, it cannot be denied that it lies within the prerogative of the State to introduce changes in policy. It is in exercise of such prerogative that the Amendment Act of 2015 came to be enacted.

The Hon'ble Supreme Court has also made significant observations regarding auction as a permissible and transparent method for distribution of natural resources in ***Centre for Public Interest Litigation and Ors. v. Union of India and Ors.; (2012) 3 SCC 104***, as also in ***In Re: Special Reference No. 1 of 2012; (2012) 10 SCC 1***.

21.1. In the case of ***Centre for Public Interest Litigation*** (supra), the Hon'ble Supreme Court observed as under:-

> *"<u>There is a fundamental flaw in the first-come-first-served policy inasmuch as it involves an element of pure chance or accident.</u> In matters involving award of contracts or grant of licence or permission to use public property, the invocation of first-come-first-served policy has inherently dangerous implications. Any person who has access to the power corridor at the highest or the lowest level may be able to obtain information from the Government files or the files of*

the agency/instrumentality of the State that a particular public property or asset is likely to be disposed of or a contract is likely to be awarded or a licence or permission is likely to be given, he would immediately make an application and would become entitled to stand first in the queue at the cost of all others who may have a better claim.

This Court has repeatedly held that wherever a contract is to be awarded or a licence is to be given, the public authority must adopt a transparent and fair method for making selections so that all eligible persons get a fair opportunity of competition. To put it differently, the State and its agencies/instrumentalities must always adopt a rational method for disposal of public property and no attempt should be made to scuttle the claim of worthy applicants. When it comes to alienation of scarce natural resources like spectrum etc., it is the burden of the State to ensure that a non-discriminatory method is adopted for distribution and alienation, which would necessarily result in protection of national/public interest. In our view, a duly publicised auction conducted fairly and impartially is perhaps the best method for discharging this burden and the methods like first-come-first-served when used for alienation of natural resources/public property are likely to be misused by unscrupulous people who are only interested in garnering maximum financial benefit and have no respect for the constitutional ethos and values. In other words, while transferring or alienating the natural resources, the State is duty bound to adopt the method of auction by giving wide publicity so that all eligible persons can participate in the process."

21.2. Subsequent to the aforesaid observations, the Hon'ble Supreme Court, in ***In Re: Special Reference No. 1 of 2012*** (supra), clarified that although auction may be a preferable mode, it cannot be held to be the only permissible mode for exploitation of natural resources. In the said case, it was observed as under:

"146. To summarize in the context of the present Reference, it needs to be emphasized that this Court cannot conduct a comparative study of the various methods of distribution of natural resources and suggest the most efficacious mode, if there is one universal efficacious method in the first place. It

respects the mandate and wisdom of the executive for such matters. The methodology pertaining to disposal of natural resources is clearly an economic policy. It entails intricate economic choices and the Court lacks the necessary expertise to make them. As has been repeatedly said, it cannot, and shall not, be the endeavour of this Court to evaluate the efficacy of auction vis-à-vis other methods of disposal of natural resources. The Court cannot mandate one method to be followed in all facts and circumstances. Therefore, auction, an economic choice of disposal of natural resources, is not a constitutional mandate. We may, however, hasten to add that the Court can test the legality and constitutionality of these methods. When questioned, the Courts are entitled to analyse the legal validity of different means of distribution and give a constitutional answer as to which methods are ultra vires and intra vires the provisions of the Constitution. Nevertheless, it cannot and will not compare which policy is fairer than the other, but, if a policy or law is patently unfair to the extent that it falls foul of the fairness requirement of Article 14 of the Constitution, the Court would not hesitate in striking it down.

147. Finally, market price, in economics, is an index of the value that a market prescribes to a good. However, this valuation is a function of several dynamic variables; it is a science and not a law. Auction is just one of the several price discovery mechanisms. Since multiple variables are involved in such valuations, auction or any other form of competitive bidding, cannot constitute even an economic mandate, much less a constitutional mandate.

148. In our opinion, auction despite being a more preferable method of alienation/allotment of natural resources, cannot be held to be a constitutional requirement or limitation for alienation of all natural resources and therefore, every method other than auction cannot be struck down as ultra-vires the constitutional mandate.

149. Regard being had to the aforesaid precepts, we have opined that auction as a mode cannot be conferred the status of a constitutional principle.

Alienation of natural resources is a policy decision, and the means adopted for the same are thus, executive prerogatives. However, when such a policy decision is not backed by a social or welfare purpose, and precious and scarce natural resources are alienated for commercial pursuits of profit maximizing private entrepreneurs, adoption of means other than those that are competitive and *maximize revenue may be arbitrary and face the wrath of Article 14 of the Constitution.*

Hence, rather than prescribing or proscribing a method, we believe, a judicial scrutiny of methods of disposal of natural resources should depend on the facts and circumstances of each case, in consonance with the principles which we have culled out above. Failing which, the Court, in exercise of power of judicial review, shall term the executive action as arbitrary, unfair, unreasonable and capricious due to its antimony with Article 14 of the Constitution.

150. In conclusion, our answer to the first set of five questions is that <u>auctions are not the only permissible method for disposal of all natural resources across all sectors and in all circumstances.</u>

151. As regards the remaining questions, we feel that answer to these questions would have a direct bearing on the mode of alienation of Spectrum and therefore, in light of the statement by the learned Attorney General that the Government is not questioning the correctness of judgment in the 2G Case, we respectfully decline to answer these questions. The Presidential Reference is answered accordingly."

21.3. Thus, from the aforesaid pronouncements of the Hon'ble Supreme Court, it emerges that although auction has been recognized as a transparent, fair and preferable method for the alienation of scarce natural resources so as to ensure maximization of public revenue and compliance with Article 14 of the Constitution, it has not been elevated to the status of an inflexible constitutional mandate. The Hon'ble Apex Court has categorically held that the mode and methodology for distribution of natural resources fall within the domain of executive policy, and the State retains the prerogative to adopt an appropriate mechanism depending upon the nature of the resource, the object sought to be achieved, and the surrounding facts and circumstances. However, any method adopted by the State must satisfy the constitutional requirements of fairness, transparency, non-arbitrariness and public interest, failing which it would be amenable to judicial review under Article 14 of the Constitution.

22. Having noticed the legal principles which led to introduction of the auction regime, this Court considers it necessary to advert to the statutory framework in question. Since the controversy revolves around Section 10A of the Act of 1957, it would be appropriate to examine the said provision in its pre-amendment and post-amendment form.

For ready reference, Section 10A of the Act of 1957 as it stood before and after the Amendment Act of 2021, is reproduced herein-below:-

Section 10A as inserted vide the Amendment Act of 2015		**Section 10A as amended vide the Amendment Act of 2021**
10A. **Rights of existing concession holders and applicants. -** (1) All applications received prior to the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, shall become ineligible. (2) Without prejudice to sub-section (1), the following shall remain eligible on and from the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015:- (a) applications received		10A. **Rights of existing concession holders and applicants. -** (1) All applications received prior to the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, shall become ineligible. (2) Without prejudice to sub-section (1), the following shall remain eligible on and from the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015:- (a) applications received

under section 11A of this Act; (b) where before the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 a reconnaissance permit or prospecting licence has been granted in respect of any land for any mineral, the permit holder or the licensee shall have a right for obtaining a prospecting licence followed by a mining lease, or a mining lease, as the case may be, in respect of that mineral in that land, if the State Government is satisfied that the permit holder or the licensee, as the case may be,- (i) has undertaken reconnaissance operations or prospecting operations, as the case may be, to establish the existence of mineral contents in such land in accordance with such parameters as may be prescribed by the Central Government; (ii) has not committed any breach of the terms and conditions of the reconnaissance permit or the prospecting licence; (iii) has not become ineligible under the provisions of this Act; and		under section 11A of this Act; (b) where before the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 a reconnaissance permit or prospecting licence has been granted in respect of any land for any mineral, the permit holder or the licensee shall have a right for obtaining a prospecting licence followed by a mining lease, or a mining lease, as the case may be, in respect of that mineral in that land, if the State Government is satisfied that the permit holder or the licensee, as the case may be,- (i) has undertaken reconnaissance operations or prospecting operations, as the case may be, to establish the existence of mineral contents in such land in accordance with such parameters as may be prescribed by the Central Government; (ii) has not committed any breach of the terms and conditions of the reconnaissance permit or the prospecting licence; (iii) has not become ineligible under the provisions of this Act; and

(iv) has not failed to apply for grant of prospecting licence or mining lease, as the case may be, within a period of three months after the expiry of reconnaissance permit or prospecting licence, as the case may be, or within such further period not exceeding six months as may be extended by the State Government; (c) where the Central Government has communicated previous approval as required under sub-section (1) of section 5 for grant of a mining lease, or if a letter of intent (by whatever name called) has been issued by the State Government to grant a mining lease, before the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, the mining lease shall be granted subject to fulfilment of the conditions of the previous approval or of the letter of intent within a period of two years from the date of commencement of the said Act: Provided that in respect of any mineral specified in the First	(iv) has not failed to apply for grant of prospecting licence or mining lease, as the case may be, within a period of three months after the expiry of reconnaissance permit or prospecting licence, as the case may be, or within such further period not exceeding six months as may be extended by the State Government; Provided that for the cases covered under this clause including the pending cases, the right to obtain a prospecting licence followed by a mining lease or a mining lease, as the case may be, shall lapse on the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2021: Provided further that the holder of a reconnaissance permit or prospecting licence whose rights lapsed under the first proviso, shall be reimbursed the expenditure incurred towards reconnaissance or prospecting operations in such manner as may be prescribed by the Central Government.; (c) where the Central

Schedule, no prospecting licence or mining lease shall be granted under clause (b) of this subsection except with the previous approval of the Central Government.		Government has communicated previous approval as required under sub-section (1) of section 5 for grant of a mining lease, or if a letter of intent (by whatever name called) has been issued by the State Government to grant a mining lease, before the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, the mining lease shall be granted subject to fulfilment of the conditions of the previous approval or of the letter of intent within a period of two years from the date of commencement of the said Act: Provided that in respect of any mineral specified in the First Schedule, no prospecting licence or mining lease shall be granted under clause (b) of this subsection except with the previous approval of the Central Government. <u>(d) in cases where right to obtain licence or lease has lapsed under, clauses (b) and (c), such areas shall be put up for auction as per the provisions of this Act:</u> <u>Provided that in respect of the</u>

		<u>minerals specified in Part B of the First Schedule where the grade of atomic mineral is equal to or greater than the threshold value, the mineral concession for such areas shall be granted in accordance with the rules made under section 11B.</u>

23. A perusal of Section 10A of the Act of 1957 reveals that there are three amendments introduced, two of them being provisos inserted under clause (b) of sub-section (2) and one being addition of clause (d) in the said Section. Learned senior counsel, Mr. Manoj Bhandari, argued on behalf of the respondent-writ petitioners that the amendment introduced vide the Amendment Act of 2021 in Section 10A(2)(b) would not apply to the LOI holders, inasmuch as the said provision is confined only to reconnaissance permit holders and prospecting licence holders. It has further been contended that notwithstanding the statutory amendments and expiry of the prescribed timelines, the issuance of LOIs itself conferred vested and enforceable rights upon the respondent-writ petitioners to seek execution of mining leases under Section 10A(2)(c) of the Act of 1957. Since considerable emphasis has been laid upon the distinction between PL holders and LOI holders for contending that the consequences of lapse introduced through the Amendment Act of 2021 cannot be extended to the latter category, this Court considers it appropriate to examine the scheme of Section 10A in its entirety, including

clauses (b), (c) and (d) thereof, so as to determine the true nature and extent of rights, if any, flowing from issuance of a LOI under the pre-amendment regime.

24. A perusal of the Section 10A reveals that Sub-section (1) categorically provides that all applications received prior to the commencement of the Amendment Act of 2015 would become ineligible. The legislative intent behind the provision was to discontinue the earlier regime relating to grant of mineral concessions and to usher in the auction-based regime introduced by the Amendment Act of 2015. Consequently, mere pendency of an application prior to the amendment did not confer any vested or enforceable right upon the applicant.

24.1. Sub-section (2), however, saves certain categories from the rigour of sub-section (1). Under clause (b) of the said sub-section, two categories of cases are covered, which are as follows:

(i) Parties who have right to obtain prospecting license followed by mining lease.

(ii) Parties who have right to obtain mining lease.

Meaning thereby, the parties who possessed reconnaissance permit and PL would be covered under the said clause as it is the reconnaissance permit holders who had right to obtain PL followed by mining lease and the PL holders had right to obtain mining lease. Therefore, it can fairly be discerned that the holders of LOI cannot be covered under the said clause. Consequently, the provisos added through Amendment Act of 2021 which provide that the right to reconnaissance permit holders as well as PL holders to obtain PL followed by mining lease and mining lease, respectively, would lapse on date of commencement of the said amendment and they would be reimbursed for the expenses incurred in the operations, would not apply to the LOI holders.

25. Nonetheless, the LOI holders would be covered under clause (c) of the sub-section (2) of the Section 10A and therefore, they were required to comply with the conditions of the LOI within a period of two years from the date of commencement of the Amendment Act of 2015 which was 12.01.2015. Meaning thereby, the compliance was required to be made latest by 11.01.2017.

26. Further, Clause (d) added through the Act of 2021 mandates that in cases where the rights under clauses (b) and (c) have lapsed, the concerned mineral area shall thereafter be put up for auction in accordance with the provisions of the Act. Thus, clause (d) acts as a consequential provision which ensures that once the statutory protection granted under clauses (b) or (c) ceases to exist, the mineral block reverts to the auction regime introduced by the Amendment Act of 2015. Meaning thereby, if the right of LOI holders had lapsed under clause (c) then, they could not claim any statutory protection in view of the newly added clause (d). Therefore, the argument raised on behalf of respondent-writ petitioners to the extent that the provisos vide the Amendment Act of 2021 added under clause (b) would not be applicable on LOI holders is acceptable, however, they cannot escape the consequence provided under clause (d) upon non-compliance of conditions of LOI within the prescribed period which was till 11.01.2017.

27. It can be fairly concluded that the right of LOI holders stood lapsed on the cut-off date itself if the compliance of the conditions so stipulated in the LOIs was not carried out. Further, considering the fact that the mining lease has admittedly not been executed till date in favour of any of the respondent-writ petitioners having LOIs, it can be implied that for whatever being the reason they had not carried out the compliance of the requisite conditions and subsequently, the LOIs were itself cancelled vide the impugned order dated 10.02.2021.

28. This Court is of the considered opinion that the respondent-writ petitioners having failed to fulfil the conditions of their respective LOIs within the mandatory period prescribed under Section 10A(2)(c) of the Act of 1957, no enforceable right survived in their favour after 11.01.2017. The rights claimed under the LOIs stood lapsed by operation of law and the areas in question necessarily became available for allocation through auction in consonance with the amended statutory regime, more particularly, clause (d) inserted in Section 10A(2) vide the Amendment Act of 2021.

G.1. VESTED RIGHT AND LEGITIMATE EXPECTATION

29. Learned counsel for the respondent-writ petitioners have argued that the PL/LOI holders had a vested right and legitimate expectation upon issuance of the same and they were entitled to get the mining lease executed in their favour despite, the Amendment Act of 2021 been enforced. For this contention, reference may be had to the judgment rendered by the Delhi High

Court in the case of ***Arcellormittal*** (supra) wherein while dealing with similar contention, it was held as under:-

> *"22. The petitioner has relied upon the Removal of Difficulties Order in order to contend that the said order has clarified that if EC has not been obtained on or before 11th January, 2017, but all other conditions specified in the LOI have been fulfilled, the mining lease shall be granted notwithstanding anything contained in Section10A(2)(c) of MMDR Amendment Act, 2015. The said Removal of Difficulties Order reads as under:*
>
> *XXX XXX XXX*
>
> *24. Even otherwise, in terms of the aforesaid Removal of Difficulties Order, it is apparent that the benefit of the same would be available only if all the other conditions of the LOI had been satisfied. In the present case, on the relevant date, the petitioner, admittedly, did not satisfy the other conditions of the LOI in the absence of any FC in favour of the petitioner. Therefore, it is palpable that the benefit of the said Removal of Difficulties Order was not available to the petitioner. Accordingly, the petitioner is not entitled to the benefit of the said Removal of Difficulties Order, and the contention raised on behalf of the petitioner in this regard is rejected.*
>
> *XXX XXX XXX*
>
> *40. Thus, reading the provision of Section 10A of the MMDR Amendment Act, 2015 and Rule 8 of the Mineral Concession Rules, 2016 makes it crystal clear that the legislative mandate is for obtaining the prior approvals for grant of mining lease within a period of two years from the date of commencement of MMDR Amendment Act, 2015 i.e. on or before 11th January, 2017 and not beyond that. By prescribing the cut off date of 11th January, 2017, the Legislature has envisaged that if on or before the cut off date the requisite approvals have not been obtained, the case of the applicant would be rendered ineligible. In such cases, the said area is to be dealt with in accordance with the provisions of MMDR Act and Rules framed thereunder, which prescribe that the grant of mineral concession has to be done through auction.*
>
> *XXX XXX XXX*
>
> *42. Therefore, the contention of the petitioner that since Rule 8(4) of the Mineral Concession Rules, 2016 has been*

omitted, the bar of 11th January, 2017 ceases to apply to the petitioner, also cannot be accepted. It is to be considered that Section10A(2) (d) of MMDR Act which was inserted w.e.f. 28th March, 2021 clearly provides that all cases where right to obtain a lease has lapsed under 10A(2)(c) of MMDR Act, shall be put up for auction.

XXX XXX XXX

43. There is another aspect of the matter. Merely on the strength of Section 10A(2) (c) of the MMDR Act, the petitioner cannot claim any absolute right for grant of mining lease even after 11th January, 2017, as the same is subject to certain mandatory conditions.…….Thus, as per the legislative intent, an applicant for grant of mining lease under the Old Regime was required to fulfil the conditions as envisaged in the Act and the Rules on or before 11th January, 2017. As noted hereinabove, in terms of the Removal of Difficulties Order, only EC Certificate could be obtained subsequently in cases where it could not be obtained.

XXX XXX XXX

50. As per Section 10A(2) (c) of the MMDR Act, the conditions of the LOI have to be fulfilled on or before the cut off date as provided by the statute. Therefore, the timeline as prescribed and the cut off dates as envisaged by the statute, must be followed in letter and spirit.

51. When a provision under the statute prescribes a thing to be done in a particular manner, then that should be done in the way prescribed under it and no other way. Therefore, the conditions as prescribed under the LOI had to be fulfilled before the cut off date of 11th January, 2017. In the absence of the same, the petitioner cannot seek execution of lease deed in its favour on the ground that it has fulfilled the said conditions subsequently. Thus, Supreme Court in the case of Union of India and Others Versus Mahendra Singh, 2022: INSC: 747, has held as follows:

XXX XXX XXX

52. The petitioner cannot claim mining lease as a matter of right. Supreme Court in the case of State of Rajasthan and Others Versus Sharwan Kumar Kumawat etc., 2023:INSC: 661, has held in categorical terms that there is no right vested with an applicant to seek lease of a Government land or over the minerals beneath the soil. It has been held that there is no question of having any fundamental right in *mining. Further, no applicant can contend that he is entitled for a lease merely on the basis of a pending application. Thus, it has been held as follows:*

XXX XXX XXX

57. In view of the aforesaid, since the petitioner has accepted the legality and validity of the Amendment Act and the Rules, the petitioner is bound by the said statutory provisions. ………..Saving of the application from ineligibility under the saving clause is not akin to grant of mining lease or perpetual eligibility for grant of mining lease despite not fulfilling the requisite conditions within the prescribed time period, i.e., on or before the final cut-off date of 11th January, 2017.

58. As per the LOI issued in favour of the petitioner, it must have had all the requisite clearances before 11th January, 2017. However, the petitioner did not have the requisite EC and FC on 11th January, 2017. Limited protection under Section 10A (2) (c) of the MMDR Act was accorded to those applicants for a limited period and the same cannot be extended beyond the period of two years. The time period of two years is sacrosanct and therefore, any other interpretation to the contrary would be against the intent of the Legislature and detrimental to the auction regime and cannot be done away with. If the cases under Section 10A(2) (c) of MMDR Act are allowed as on date by this Court, then that will be unfavourable to the auction regime and will frustrate the very purpose of inserting Section10A(2)(c) in the MMDR Act. Therefore, no case is made out in favour of the petitioner in the absence of compliance of the statutory provisions of fulfilling the conditions of the LOI within the cut-off date of 11th January, 2017.

Delay on part of the Respondents does not entitle the Petitioner to any Relief in the absence of any Rights in its favour

59. This Court is also not inclined to accept the contention of the petitioner that there has been some delay attributable to the respondents on account of which the petitioner has not been able to get lease deed executed in its favour. Accordingly, no relief can be granted in favour of the petitioner merely on account of delay in the absence of any rights in favour of the petitioner.

60. Holding that mere right to have his application disposed of in a reasonable time, would not clothe an

<u>applicant with a vested right for grant or renewal of a lease</u>, Supreme Court in the case of State of Tamil Nadu Versus M/s Hind Stone and Others,: (1981) 2 SCC 205, has held as follows:

XXX XXX XXX

73. Even otherwise, the law in this regard is well settled that <u>a Letter of Intent merely indicates a party's intention to enter into a contract with the other party in future. The Letter of Intent is not intended to bind either party ultimately to enter into any contract.</u> Thus, Supreme Court in the case of Dresser Rand S.A. Versus Bindal Agro Chem Ltd. and Another, (2006) 1 SCC 751 has held as follows:

XXX XXX XXX

No Consequential Relief in favour of the Petitioner on account of any delay

90. <u>Merely because, according to the petitioner, there was a delay in processing its case, does not in any way entitle the petitioner to claim a mining lease.</u> It has been held by Supreme Court time and again that if an act is required to be performed by a public functionary within a specified time, the same would be held to be directory unless the consequences thereof are specified. Petitioner has not demonstrated any consequences whatsoever in terms of the applicable Rules and Regulations that would follow from a purported delay on the part of the respondents. Thus, Supreme Court in the case of Nasiruddin and Others Versus Sita Ram Agarwal, : (2003) 2 SCC 577, has held as follows:

XXX XXX XXX"

30. The Delhi High Court has categorically held that Section 10A(2)(c) of the Act of 1957 is a saving clause with a sunset provision and the conditions of the LOI were mandatorily required to be fulfilled before the statutory cut-off date of 11.01.2017. It was further held that non-fulfilment of such conditions renders the applicant ineligible and thereafter the area necessarily falls within the auction regime contemplated under the amended statutory

framework. This Court is in respectful agreement with the said exposition of law.

31. Further, no person possesses a vested right to obtain grant or renewal of a mining lease merely on the basis of a pending application or an LOI. As referred by the Delhi High Court, the Hon’ble Supreme Court in the case of ***State of Tamil Nadu v. Hind Stone & Others, (1981) 2 SCC 205*** has categorically held that an application for grant of mining lease has necessarily to be considered in accordance with the law prevailing on the date of consideration and not on the date of application. The Apex Court has further reiterated that no fundamental or vested right exists in matters relating to grant of mining leases and that public interest underlying the auction mechanism overrides any individual expectation founded merely upon pendency of applications or prior administrative steps.

31.1. In the case of ***Sharwan Kumar Kumawat*** (supra), while discussing about vested right so also legitimate expectation, the Hon’ble Supreme Court held as under:-

> *“17. It is far too settled that there is no right vested over an application made which is pending seeking lease of a Government land or over the minerals beneath the soil in any type of land over which the Government has a vested right and regulatory control. In other words, a mere filing of an application ipso facto does not create any right. The power of the Government to amend, being an independent one, pending applications do not come in the way. For a right to be vested there has to be a statutory recognition. Such a right has to accrue and any decision will have to create the resultant injury. When a decision is taken by a competent authority in public interest by evolving a better process such as auction, a right, if any, to an applicant seeking lease over a Government land evaporates on its own. An applicant cannot have an exclusive right in*

seeking a grant of license of a mineral unless facilitated accordingly by a statute. State of Tamil Nadu v. Hind Stone, (1981) 2 SCC 205:-

> *13. Another submission of the learned counsel in connection with the consideration of applications for renewal was that applications made sixty days or more before the date of G.O.Ms No. 1312 (December 2, 1977) should be dealt with as if Rule 8-C had not come into force. It was also contended that even applications for grant of leases made long before the date of G.O.Ms No. 1312 should be dealt with as if Rule 8-C had not come into force. The submission was that it was not open to the government to keep applications for the grant of leases and applications for renewal pending for a long time and then to reject them on the basis of Rule 8-C notwithstanding the fact that the applications had been made long prior to the date on which Rule 8-C came into force. While it is true that such applications should be dealt with within a reasonable time, it cannot on that account be said that the right to have an application disposed of in a reasonable time clothes an applicant for a lease with a right to have the application disposed of on the basis of the rules in force at the time of the making of the application. No one has a vested right to the grant or renewal of a lease and none can claim a vested right to have an application for the grant or renewal of a lease dealt with in a particular way, by applying particular provisions. In the absence of any vested rights in anyone, an application for a lease has necessarily to be dealt with according to the rules in force on the date of the disposal of the application despite the fact that there is a long delay since the making of the application. We are, therefore, unable to accept the submission of the learned counsel that applications for the grant of renewal of leases made long prior to the date of G.O.Ms No. 1312 should be dealt with as if Rule 8-C did not exist.*

Legitimate Expectation

19. Legitimate expectation is a weak and sober right as ordained by a statute. When the Government decides to introduce fair play by way of auction facilitating all eligible persons to contest on equal terms, certainly one cannot contend that he is entitled for a lease merely on the basis of a pending application. The right being not legal,

<u>apart from being non-existent, it can certainly not be enforceable.</u> The principle of law on these aspects, as settled decades ago in State of T.N. v. Hind Stone : (1981) 2 SCC 205, is being reiterated from time to time. Monnet Ispat & Energy Ltd. (supra):

Principles of legitimate expectation

183. <u>As there are parallels between the doctrines of promissory estoppel and legitimate expectation because both these doctrines are founded on the concept of fairness and arise out of natural justice, it is appropriate that the principles of legitimate expectation are also noticed here only to appreciate the case of the Appellants founded on the basis of the doctrines of promissory estoppel and legitimate expectation.</u>

xxx xxx xxx

188. It is not necessary to multiply the decisions of this Court. Suffice it to observe that the following principles in relation to the doctrine of legitimate expectation are now well established:

xxx xxx xxx

188.3. <u>Where the decision of an authority is founded in public interest as per executive policy or law, the court would be reluctant to interfere with such decision by invoking the doctrine of legitimate expectation. The legitimate expectation doctrine cannot be invoked to fetter changes in administrative policy if it is in the public interest to do so.</u>

188.4. <u>The legitimate expectation is different from anticipation and an anticipation cannot amount to an assertable expectation. Such expectation should be justifiable, legitimate and protectable.</u>

188.5. <u>The protection of legitimate expectation does not require the fulfilment of the expectation where an overriding public interest requires otherwise. In other words, personal benefit must give way to public interest and the doctrine of legitimate expectation would not be invoked which could block public interest for private benefit.</u>

(emphasis supplied)

20. Kerala State Beverages (M AND M) Corporation Limited v. P.P. Suresh, : (2019) 9 SCC 710:

B. Legitimate expectation

14. The main argument on behalf of the Respondents was that the Government was bound by its promise *and could not have resiled from it. They had an indefeasible legitimate expectation of continued employment, stemming from the Government Order dated 20-2-2002 which could not have been withdrawn. It was further submitted on behalf of the Respondents that they were not given an opportunity before the benefit that was promised, was taken away. To appreciate this contention of the Respondents, it is necessary to understand the concept of legitimate expectation.*

15. The principle of legitimate expectation has been recognised by this Court in Union of India v. Hindustan Development Corporation [(1993) 3 SCC 499] If the promise made by an authority is clear, unequivocal and unambiguous, a person can claim that the authority in all fairness should not act contrary to the promise.

16. M. Jagannadha Rao, J. elaborately elucidated on legitimate expectation in Punjab Communications Ltd. v. Union of India [(1999) 4 SCC 727]. He referred (at SCC pp. 741-42, para 27) to the judgment in Council of Civil Service Unions v. Minister for the Civil Service [1985 AC 374 : (1984) 3 WLR 1174 : (1984) 3 All ER 935 (HL)] in which Lord Diplock had observed that for a legitimate expectation to arise, the decisions of the administrative authority must affect the person by depriving him of some benefit or advantage which,

> *27. ... (i) he had in the past been permitted by the decision-maker to enjoy and which he can legitimately expect to be permitted to continue to do until there have been communicated to him some rational grounds for withdrawing it on which he has been given an opportunity to comment; or*
>
> *(ii) he has received assurance from the decision-maker that they will not be withdrawn without giving him first an opportunity of advancing reasons for contending that they should not be withdrawn." (AC p. 408)*

17. Rao, J. observed in this case, that the procedural part of legitimate expectation relates to a representation that a hearing or other appropriate procedure will be afforded before the decision is made. The substantive part of the principle is that if a representation is made that a benefit of a substantive *nature will be granted or if the person is already in receipt of the benefit, that it will be continued and not be substantially varied, then the same could be enforced.*

18. It has been held by R.V. Raveendran, J. in Ram Pravesh Singh v. State of Bihar [(2006) 8 SCC 381 : 2006 SCC (L&S) 1986] that legitimate expectation is not a legal right. Not being a right, it is not enforceable as such. It may entitle an expectant: (SCC p. 391, para 15)

(a) to an opportunity to show cause before the expectation is dashed; or

(b) to an explanation as to the cause for denial. In appropriate cases, the courts may grant a direction requiring the authority to follow the promised procedure or established practice.

Substantive Legitimate Expectation

19. An expectation entertained by a person may not be found to be legitimate due to the existence of some countervailing consideration of policy or law. [H.W.R. Wade & C.F. Forsyth, Administrative Law (Eleventh Edn., Oxford University Press, 2014).] Administrative policies may change with changing circumstances, including changes in the political complexion of Governments. The liberty to make such changes is something that is inherent in our constitutional form of Government. [Hughes v. Department of Health and Social Security, 1985 AC 776, 788 : (1985) 2 WLR 866 (HL)]

20. The decision-makers' freedom to change the policy in public interest cannot be fettered by applying the principle of substantive legitimate expectation. [Findlay, In re, 1985 AC 318 : (1984) 3 WLR 1159 : (1984) 3 All ER 801 (HL)] So long as the Government does not act in an arbitrary or in an unreasonable manner, the change in policy does not call for interference by judicial review on the ground of a legitimate expectation of an individual or a group of individuals being defeated.

(emphasis supplied)"

31.2. Further, in a recent judgment too, the Apex Court has observed that LOI does not create a vested right unless the conditions stipulated therein are fulfilled. In the case of ***State of***

Himachal Pradesh and Ors. vs. Oasys Cybernatics Pvt. Ltd.; (2026) 3 SCC 348, the Apex Court held as under:

> *"15. These authorities collectively articulate a coherent doctrine:* ***an LoI creates no vested right until it passes the threshold of final and unconditional acceptance. It is but a "promise in embryo," capable of maturing into a contract only upon the satisfaction of stipulated preconditions or upon the issue of an LoA.*** *A bidder's expectation that such a contract will follow may be commercially genuine, but it is not a juridical entitlement. To hold otherwise would be to bind the State in contract before it has consciously chosen to be bound-a proposition foreign to both contract law and public administration.*
>
> *XXX XXX XXX*
>
> *18. The cumulative effect of the foregoing analysis is that the LoI was no more than a provisional communication signifying the Appellant-State's intent to enter into a formal arrangement upon fulfilment of certain technical and procedural conditions. The acceptance of tender and the consequential formation of a binding contract were contingent upon satisfaction of these prerequisites. The Respondent-company's reliance upon the LoI as a source of vested contractual rights is, therefore, wholly misplaced.*
>
> *19. As a result, the First Issue is answered in the negative. We have no difficulty in holding that the LoI did not give rise to any binding or enforceable rights in favour of the Respondent-company.*
>
> *20. Be that as it may, even when contractual rights are absent, the State's administrative discretion in rescinding or cancelling an LoI is not unfettered. It remains subject to constitutional discipline, particularly the requirement that State action must not be arbitrary, unreasonable, or actuated by mala fides. In this respect, we deem it necessary to examine the Second Issue touching upon the legality and propriety of the Cancellation Letter.*
>
> *XXX XXX XXX*
>
> *53. The Respondent-company's plea that the Appellant-State was bound, having allowed the process to run for eight months, is equally misconceived. Lapse of time does not convert a provisional arrangement into a vested right. The expectation that the Government will*

> *ultimately formalise an LoI may be legitimate in the commercial sense, but it is not enforceable in law unless the conditions for formal acceptance are met. The constitutional guarantee against arbitrariness is not a charter of commercial expectations; it is a safeguard against irrationality, and none is established in this record."*

32. In light of the aforesaid authoritative pronouncements, this Court is of the considered view that the claim raised by the respondent-writ petitioners proceeds on an erroneous assumption that mere issuance of LOIs or the pending applications conferred upon them an indefeasible or vested right for execution of mining lease. The legal position stands settled by a consistent line of decisions of the Hon'ble Supreme Court beginning from ***Hind Stone*** (supra) and reiterated in ***Sharwan Kumar Kumawat*** (supra), ***Monnet Ispat & Energy Ltd. v. Union of India; (2012) 11 SCC 1*** and most recently in ***Oasys Cybernatics Pvt. Ltd.*** (supra) that neither a pending application nor an LOI, by itself, creates any enforceable or accrued right unless the statutory conditions precedent are fulfilled and the competent authority finally decides to grant the lease in accordance with the law prevailing on the date of such consideration.

32.1. The Apex Court has unequivocally held that an LOI is merely a provisional expression of intent and remains in the nature of an inchoate arrangement or a "promise in embryo", incapable of ripening into a binding obligation unless all statutory and procedural requirements stand satisfied. The doctrine of legitimate expectation also does not advance the case of the respondent-writ petitioners, inasmuch as such expectation cannot override legislative policy, particularly where the State, in larger public interest, has consciously shifted from the earlier regime of discretionary or first-come-first-served allocation to a transparent auction-based mechanism. The constitutional mandate of fairness in distribution of natural resources obligates the State to adopt methods which maximise public interest and ensure equal participation, and therefore any individual expectation founded merely upon issuance of LOIs or pending applications must necessarily yield to the overriding public policy embodied in the amended statutory framework.

32.2. It is equally well settled that lapse of time, pendency of proceedings, or administrative delay cannot convert a provisional or contingent arrangement into a vested legal entitlement. Consequently, this Court finds merit in the submission advanced by learned Advocate General that the LOIs/PLs relied upon by the respondent-writ petitioners did not constitute concluded contracts nor create any legally enforceable right to seek compulsory execution of mining leases. Once the governing statutory regime stood altered and the conditions contemplated under Section 10A(2) ceased to survive in law, the respondent-writ petitioners could not insist that their claims be considered under the un-amended framework. Their rights, if any, remained entirely subservient to the statute and therefore no mandamus can be issued directing execution of mining leases contrary to the amended legislative scheme and the public interest sought to be achieved thereby.

G.2. RETROSPECTIVE OPERATION OF THE AMENDMENT ACT OF 2021

33. It has also been argued on behalf of the respondent-writ petitioners that the provisos inserted in Section 10A(2)(b) cannot be applied retrospectively. In order to ascertain the legislative intent behind insertion of the said provisos, it would be apposite to examine the language of the provisos so also object sought to be achieved by the amendment.

34. It is pertinent to note that admittedly, the respondent-writ petitioners did not challenge either the introduction of auction as the mode for grant of mining concessions or the subsequent amendment. Rather, their case was that their right to have the mining lease executed stood protected under Section 10A(2)(b) or Section 10A(2)(c) of the Act of 1957, as the case may be. However, insofar as Section 10A(2)(b) is concerned, the Amendment Act of 2021 inserted a proviso to the said clause, which stipulates that in all cases covered thereunder, including pending cases, the right to obtain a PL followed by a mining lease, or a mining lease, as the case may be, shall lapse on the date of commencement of the Amendment Act of 2021. The proviso further provides that the holder of a reconnaissance permit or PL, whose rights so lapse, shall be reimbursed the expenditure incurred towards reconnaissance or prospecting operations.

35. So far as the language of the provisos is concerned, in the considered opinion of this Court, the legislative intent is explicit, inasmuch as the phrase used is “pending cases”, which clearly

indicates that all cases pending for consideration on the date of enforcement of the Amendment Act of 2021 would stand affected.

35.1. Under Rule 5 of the Minerals (Other than Atomic and Hydro Carbons Energy Minerals) Concession Rules, 2016 ("Rules of 2016"), a holder of a reconnaissance permit granted prior to the Amendment Act of 2015 has the right to apply for a PL, and the period of such PL commences from the date on which the PL deed is executed. Likewise, in the case of holders of PL granted prior to the Amendment Act of 2015, the next step is to apply for a mining lease under Rule 7 of the Rules of 2016, and upon execution of the mining lease, the same is required to be registered. It is only from the date of registration of the mining lease deed that the period of the mining lease commences. Similarly, applicants who had received either a LOI from the State Government or prior approval from the Central Government prior to the Amendment Act of 2015, upon applying for execution of the mining lease in terms of Rule 8 of the Rules of 2016, would be entitled to execution thereof subject to fulfilment of the requisite conditions, whereafter the lease deed is required to be registered. Here again, it is only upon registration of the mining lease deed that the period of the lease commences. Thus, any case in which the mining lease has not been executed would clearly remain a pending case. Even in a case where the mining lease has been executed but not registered, since the period of the lease would not commence until registration, it can still be said that the matter has not attained finality and remains pending.

36. The objects and reasons for the introducing the Amendment Act of 2021 are as under:

"STATEMENT OF OBJECTS AND REASONS

The Mines and Minerals (Development and Regulation) Act, 1957 (the Act) was enacted with a view to provide for the development and regulation of mines and minerals under the control of Union.

2. The Act was comprehensively amended in 2015 to bring several reforms in the mineral sector, notably, mandating auction of mineral concessions to improve transparency, establishing District Mineral Foundation and National Mineral Exploration Trust and stringent penalty for illegal mining. The Act was further amended in the years 2016 and 2020 to allow transfer of leases for non-auctioned captive mines and to deal with the emergent issue of expiry of leases on 31st March 2020.

3. In order to fully harness the potential of the mineral sector, increase employment and investment in the mining sector including coal, increase the revenue to the States, increase the production and time bound operationalisation of mines, maintain continuity in mining operations after change of lessee, increase the pace of exploration and auction of mineral resources and resolve long pending issues that have slowed the growth of the sector, it is felt necessary to further amend the said Act.

4. The Mines and Minerals (Development and Regulation) Amendment Bill, 2021, inter alia, provides for the following, namely:-

(i) to remove the distinction between captive and merchant mines by providing for auction of mines in future without restriction of captive use of minerals and allowing existing captive mines including captive coal mines to sell up to fifty per cent. of the minerals produced after meeting the requirement of linked end use plants to ensure optimal mining of mineral resources and specify the additional amount to be charged on such sale. The sale of minerals by captive plants would facilitate increase in production and supply of minerals, ensure economies of scale in mineral production, stabilize prices of ore in the market and bring additional revenue to the States;

(ii) to provide for payment of additional amount to the State Government on extension and grant of mining lease of Government companies to create level playing field between

the auctioned mines and the mines of Government companies;
(iii) to provide that all the valid rights, approvals, clearances, licences and the like granted to a lessee in respect of a mine shall continue to be valid even after expiry or termination of lease and such clearances shall be transferred and vested to the successful bidder of the mining lease. This will ensure continuity in mining operations even with change of lessee, conservation of mineral and avoid repetitive and redundant process of obtaining clearances again for the same mine;
(iv) to grant short term mining lease to Government companies in situations where the auction of mines pursuant to sub-section (4) of section 8A has failed;
(v) to empower the Central Government to issue directions regarding composition and utilisation of Fund by the District Mineral Foundation;
<u>(vi) to close the pending cases of non-auctioned concession holders which have not resulted in grant of mining leases despite passage of a considerable time of more than five years. The existence of these cases is anachronistic and antagonistic to the auction regime. The closure of the pending cases would facilitate the Government to put to auction a large number of mineral blocks in the interest of nation resulting in early operationalisation of such blocks and additional revenue to the State Governments;</u>
(vii) to remove the restrictions on transfer of mineral concessions for non-auctioned mines to attract fresh investment and new technology in the sector;
(viii) to empower the Central Government to notify the area and conduct auction in cases where the State Governments face difficulty in notifying the areas and conducting auction or fails to notify the area or conduct auction in order to ensure auction of more number of mineral blocks on regular basis for continuous supply of minerals in the country;
(ix) to fix a time-frame for grant of leases for the areas reserved for Government companies for expediting grant of leases and production by the Government companies; and
(x) to amend section 21 of the Act so as to clarify the expression "without any lawful authority" in order to limit its scope to the violations of the said Act and the rules made thereunder. The said amendment will bring clarity and certainty to the mining sector.
5. The Bill seeks to achieve the above objectives.”

37. A conjoint reading of the language employed in the provisos to Section 10A(2)(b) and the Statement of Objects and Reasons of the Amendment Act of 2021 leaves no manner of doubt that the legislative intent was to bring an end to all pending cases relating to non-auctioned concessions which had not culminated in execution of mining leases despite the lapse of considerable time. The Legislature itself recognized that continuation of such pending claims was "anachronistic and antagonistic to the auction regime" introduced by the Amendment Act of 2015, and that closure of such cases was necessary to facilitate auction of mineral blocks, ensure early operationalisation of mines, and augment the revenue of the State. Therefore, the provisos were consciously enacted with retrospective applicability insofar as they relate to pending claims, so as to give full effect to the auction regime and remove impediments in implementation of the policy of transparent and competitive allocation of mineral resources. Any interpretation preserving such pending claims despite the clear legislative mandate would not only dilute the object sought to be achieved by the Amendment Act of 2021, but would also frustrate the broader statutory policy of expeditious auction and optimum utilisation of natural resources.

38. Since, as noticed above, it is an admitted position that in the present matters the mining lease has not even been executed till date, much less registered, it can safely be held that the cases of the respondent-writ petitioners were pending cases. Further, the very use of the expression "pending cases" indicates that the proviso was intended to apply to all such existing matters which

had not attained finality on the date of commencement of the Amendment Act of 2021. In consequence thereof, the right of the respondent-writ petitioners stood lapsed on the date of commencement of the Amendment Act of 2021. This Court is of the opinion that to hold that the cases of the respondent-writ petitioners would stand protected notwithstanding the insertion of such proviso would defeat the very object and purpose of the amendment. This was also the legal position prevailing at the time when the matters were heard by the learned Single Judge and when the impugned judgment was pronounced. However, the said aspect was not considered.

39. At this stage, it would be appropriate to consider the judgments cited on behalf of the respondent-writ petitioners in support of their contention that the impugned amendments introduced vide the Amendment Act of 2021 cannot be applied retrospectively.

39.1. The Apex Court in the case of ***A.A. Calton*** (supra) observed that unless a statute expressly or by necessary implication provides for retrospective operation, an amendment cannot be construed so as to divest or impair accrued or existing rights in pending proceedings. The Court held that where a selection process had commenced under the unamended statutory regime, the same was required to be concluded in accordance with the law prevailing on the date of initiation of such proceedings, particularly when rights had crystallized during the course of the integrated selection process. The Apex Court further reiterated the settled principle that retrospective effect cannot ordinarily be inferred merely because a provision is procedural in nature, especially where substantive rights stand affected.

39.2. The Hon'ble Supreme Court in the case of ***Mandira Chatterjee*** (supra) observed that the rights of a litigant are ordinarily governed by the law existing at the time when such rights crystallize and, therefore, where an accrued right had arisen under the then prevailing statutory regime, a subsequent enactment would not ordinarily divest such right unless the later statute expressly or by necessary implication provided for retrospective operation. The Court held that since the respondents therein had acquired enforceable rights under the earlier rules and their cases had already been recommended for approval prior to enforcement of the new regime, such rights could not be treated as extinguished merely because a subsequent legislation altered the procedure governing future appointments.

39.3. The Apex Court in the case of ***T.R. Kapur*** (supra) observed that though the rule-making authority possesses the power under Article 309 of the Constitution to frame rules with retrospective effect, such power cannot be exercised in a manner that takes away vested or accrued rights, renders eligible persons retrospectively ineligible, or arbitrarily nullifies existing rights to consideration for promotion. The Court held that retrospective amendments affecting conditions of service must satisfy the mandate of Articles 14 and 16 and must bear a reasonable nexus with the object sought to be achieved. It was further observed that while qualifications for promotion may be altered retrospectively, benefits already acquired under the existing rules cannot ordinarily be divested by retrospective amendments, particularly where such amendments are introduced solely to nullify judicial pronouncements or unsettle accrued rights over a long period.

39.4. The Hon'ble Supreme Court in the case of ***C.R. Rangadhamaiah*** (supra) observed that though the Legislature or the rule-making authority exercising powers under Article 309 of the Constitution possesses competence to enact or frame rules with retrospective effect, such retrospective operation cannot be sustained if it takes away vested or accrued rights or operates in an arbitrary and unreasonable manner so as to offend Articles 14 and 16 of the Constitution. The Court held that employees who had already retired had acquired a vested right to pension and retiral benefits in accordance with the rules existing on the date of retirement and such rights could not subsequently be curtailed by retrospective amendments reducing the quantum of pensionary benefits.

40. This Court is not oblivious to the principles enunciated in ***A.A. Calton*** (supra) and ***C.R. Rangadhamaiah*** (supra), to the effect that a statute or provision cannot be given retrospective operation unless such intention is explicitly expressed by the legislature, or necessarily follows by implication, and that even then such operation cannot be sustained if it falls foul of Article 14 of the Constitution. However, in the present matters, the amendment under consideration is the Amendment Act of 2021, whereby new provisions came to be introduced in Section 10A of the Act of 1957. In the considered opinion of this Court, the said

amendments were specifically enacted to address pending litigations, remove uncertainties relating to continuation and transfer of mining rights, and ensure uninterrupted and effective utilisation of natural resources in larger public interest. The language of the newly inserted provisions, read in conjunction with the Statement of Objects and Reasons underlying the amendment, clearly manifests a legislative intent to give retrospective operation to the amended regime, thereby overriding any claim founded merely on continuance of earlier rights or pendency of proceedings under the pre-amendment framework.

40.1. So far as the decision in the case of ***Mandira Chatterjee*** (supra) is concerned, the said decision turned on the absence of any express or implied legislative intent giving retrospective effect to the subsequent enactment whereas in the present case, the intent is clear from the language of the provision inserted through the Amendment Act of 2021, specifically the compensation mechanism incorporated under Section 10A(2)(b), which itself indicates that pending rights were intended to stand extinguished and substituted by the statutory right to reimbursement.

40.2. The decision in ***T.R. Kapur*** (supra) arose in the context of service jurisprudence, where vested service rights and constitutional protections under Articles 14, 16 and 311 of the Constitution were directly in issue. The said decision, therefore, cannot be mechanically extended to the statutory regime governing mining concessions under the Act of 1957, which operates in the distinct field of regulation and allocation of natural resources by the State. As discussed hereinabove, the amendments introduced by the Amendment Act of 2021 were enacted to address specific legislative concerns and to achieve clearly defined statutory objectives. Consequently, the principles laid down in the context of service jurisprudence cannot be applied to the present matters in a straight-jacketed manner.

41. Further, the judgment of the Gujarat High Court in ***Vadraj Cement Ltd***. (supra) has been relied upon by the respondent-writ petitioners to contend that once an LOI had been issued prior to 12.01.2015 and the delay in execution of the mining lease was not attributable to the applicant, the right flowing from such LOI could not be treated as having lapsed merely on account of non-execution of the lease deed within the prescribed period. On the strength of the said judgment, it has been urged that the petitioners cannot be deprived of their accrued rights under Section 10A(2)(c) of the Act of 1957.

41.1. However, the said judgment is clearly distinguishable. In ***Vadraj Cement Ltd.*** (supra), prior approval had been granted in the year 1997, LOI was issued in 1998, part of the mining lease had already been executed in 2011, and for the remaining area also, the State Government had issued the order of grant on 08.01.2017, i.e. before the cut-off date of 11.01.2017. Thus, the issue before the Gujarat High Court was confined to the stage subsequent to grant, namely whether execution and registration of the lease deed could be denied merely because certain post-grant formalities could not be completed within the limited time available.

41.2. The present cases stand on a different footing. The respondent-writ petitioners herein are merely PL/LOI holders, and their claims did not culminate into execution of mining leases within the statutory period. Further, the Gujarat High Court judgment does not consider the effect of the Amendment Act of 2021, which is central to the present controversy. By the said amendment, the legislature expressly provided the consequence of lapse of rights under Section 10A(2)(b) and 10A(2)(c), and such areas are now required to be put to auction. Therefore, the decision in the case of ***Vadraj Cement Ltd.*** (supra), rendered in a distinct factual and statutory context, cannot govern the present batch of matters.

42. In addition to the above-discussed judgments, learned counsel for the respondent-writ petitioners placed much reliance on the judgment rendered by the Karnataka High Court in the case of ***Indocil Silicons Pvt. Ltd.*** (supra), wherein too, the Amendment Act of 2021 was in question.

42.1. In the case of ***Indocil Silicons Pvt. Ltd.*** (supra), the petitioner was granted a Prospecting Licence on 14.08.2007 in Bellary District, Karnataka, for iron ore and associated minerals. On the basis of the successful prospecting operations, the petitioner applied for grant of mining lease on 06.10.2008 under Section 11 of the Act of 1957. Subsequently, by virtue of the Amendment Act of 2015, all pending mining lease applications became ineligible except those protected under Section 10A(2), and the petitioner claimed protection under Section 10A(2)(b) on the ground that valuable rights had accrued in its favour as a prospecting licence holder. Thereafter, the State Government framed a Standard Operating Procedure in 2016 for processing such applications and, after multiple levels of scrutiny and approval by the Department of Mines and Geology, Screening Committee and State authorities, the proposal for grant of mining lease was forwarded to the Central Government in 2017 for prior approval. However, no final decision was taken by the Central Government. During pendency of the proceedings, the Amendment Act of 2021 introduced provisos to Section 10A(2)(b), pursuant to which the Central Government took the stand that the petitioner's proposal had lapsed by operation of law.

42.2. In this factual matrix, the Karnataka High Court observed that the provisos inserted to Section 10A(2)(b) of the Act of the 1957 by Amendment Act of 2021 w.e.f. 28.03.2021 were prospective in nature and could not be applied to extinguish rights that had already accrued in favour of the petitioners prior to the amendment. The Court held that the amendment was intended only to close stale and pending cases where no vested rights had crystallized and not cases where the State Government had already arrived at satisfaction regarding eligibility under Section 10A(2)(b). It was further observed that the expression "including pending cases" occurring in the proviso was restrictive in nature and referred only to pending cases where the State Government had not yet reached satisfaction regarding grant of mining lease. The Court emphasized that any interpretation treating all saved applications as lapsed would render Section

10A(2)(b) itself otiose and defeat the legislative intent behind the 2015 amendment.

42.3. The Court further observed that the object of the 2021 amendment, as reflected from the Statement of Objects and Reasons, was to eliminate long-pending non-auction cases which had remained unresolved for more than five years, and not to nullify cases where the applicants had already complied with statutory requirements and whose rights had already been recognized by the State Government. It was held that the proviso could not be interpreted in a manner leading to absurdity, arbitrariness, or injustice by penalizing applicants for delays attributable solely to governmental authorities.

42.4. The Court observed that a proviso cannot override or nullify the substantive provision to which it is appended. Relying upon decisions including *Indore Development Authority v. Manoharlal; (2020) 8 SCC 129*, the Court held that the proviso to Section 10A(2)(b) had to be construed harmoniously with the principal provision and could not be interpreted so as to destroy the vested rights expressly protected under the main clause.

42.5. The Court further observed that the word “lapse” used in the proviso ordinarily applies to cases where the beneficiary has failed to perform statutory obligations or where requisite satisfaction had not yet been recorded by the competent authority. Therefore, the proviso was held applicable only to those cases where prospecting operations remained incomplete or where the applications had not progressed to the stage of State Government satisfaction.

42.6. The High Court held that the provisos inserted to Section 10A(2)(b) by Amendment Act of 2021 were inapplicable to the petitioners' claims for grant of mining leases and execution of lease deeds. The Court directed the authorities to proceed with grant and execution of mining leases in favour of the petitioners in accordance with the un-amended regime and without reference to the provisos introduced in 2021. The impugned communications refusing or withholding approval on the basis of the 2021 amendment were accordingly quashed.

43. This Court respectfully disagrees with the observations made by the Karnataka High Court in the case of ***Indocil Silicons Pvt. Ltd.*** (supra) for the reason that the interpretation assigned therein, in the considered opinion of this Court, does not give full effect to the plain language employed by the Legislature in the proviso inserted to Section 10A(2)(b) by the Amendment Act of 2021. The expression "including pending cases" used in the proviso is couched in broad and unambiguous terms and does not admit of any restrictive interpretation confining its applicability only to those matters where the State Government had not yet recorded satisfaction. Had the Legislature intended to preserve cases where satisfaction had already been recorded or recommendations had already been made, it would have expressly carved out such an exception as was introduced when the Amendment Act of 2015 was enacted. On the contrary, the legislative intent, as reflected from the Statement of Objects and Reasons, was to bring closure to all pending non-auctioned concession claims which had not culminated in execution and

registration of mining leases, since continuation of such claims was itself considered "anachronistic and antagonistic to the auction regime." This Court is further of the opinion that the distinction sought to be drawn in the case of ***Indocil Silicons Pvt. Ltd.*** (supra) between cases where rights had allegedly "crystallized" and other pending cases travels beyond the statutory scheme, inasmuch as under the Act of 1957 read with the Rules of 2016, no indefeasible or vested right accrues merely upon satisfaction recorded by the State Government or forwarding of a proposal to the Central Government, and the matter does not attain finality until execution and registration of the mining lease deed. The proviso itself contemplates extinguishment of such pending rights by providing for reimbursement of reconnaissance or prospecting expenditure, thereby clearly indicating that the Legislature consciously intended pending claims to lapse notwithstanding any prior administrative steps taken in their favour. Accepting the interpretation adopted in the case of ***Indocil Silicons Pvt. Ltd.*** (supra) would substantially dilute the object of the Amendment Act of 2021, perpetuate continuation of non-auctioned concessions under the pre-amendment regime, and frustrate the statutory policy of transparent allocation of mineral resources through auction.

44. At this stage, it is noted that learned Advocate General has placed reliance upon three judgments, namely, ***Larsen & Toubro Limited*** (supra), ***Arcelormittal*** (supra) and ***Ashapura Minechem*** (supra), wherein the respective High Courts have also considered the facets of the Amendment Act of 2021 introducing

the provisos under Section 10A(2)(b) and the insertion of clause (d) under Section 10A. It is pertinent to note that the said judgments have been challenged before the Hon'ble Supreme Court and are presently pending consideration. Therefore, although the same are not binding upon this Court, they do carry persuasive value.

44.1. A cumulative reading of the aforesaid judgments substantially supports the conclusions arrived at by this Court regarding the scope and effect of the Amendment Act of 2021. The Orissa High Court in ***Larsen & Toubro Limited*** (supra), the Delhi High Court in ***Arcelormittal*** (supra) and the Bombay High Court in ***Ashapura Minechem*** (supra), though arising in different factual contexts, uniformly recognized that the amendments introduced through the Amendment Act of 2021 were intended to bring closure to long-pending non-auctioned mineral concession cases and to strengthen the transition to the auction-based regime introduced in 2015. The said Courts consistently held that rights claimed under Section 10A(2)(b) or Section 10A(2)(c) do not survive indefinitely and are subject to the statutory timelines and conditions prescribed under the amended framework. The observations made therein also support the view taken by this Court that mere pendency of applications, issuance of LOIs, recommendations by the State Government, or even prior administrative approvals do not create any indefeasible or vested right to obtain execution of a mining lease, particularly when the statutory regime itself has undergone a substantive change in larger public interest.

44.2. The aforesaid judgments further fortify the conclusion of this Court that the legislative intent underlying the Amendment Act of 2021 was to extinguish pending non-auctioned claims which had not culminated in execution and registration of mining leases and thereafter make such mineral blocks available for auction. The reliance placed by this Court upon the expression "including pending cases" occurring in the proviso to Section 10A(2)(b), as also upon clause (d) inserted in Section 10A(2), stands reinforced from the reasoning adopted in ***Larsen & Toubro Limited*** (supra), ***Arcelormittal*** (supra) and ***Ashapura Minechem*** (supra), wherein it was observed that continuation of stale claims under the pre-amendment regime would defeat the object of transparent allocation of natural resources through auction. The said decisions also support the view of this Court that the Amendment Act of 2021 was enacted in furtherance of a conscious legislative and economic policy intended to maximize public revenue, ensure transparency and eliminate uncertainty arising from prolonged pendency of non-auctioned concessions.

45. In view of the discussion made hereinabove, Issue No.1 is decided in following terms:

(i) The preliminary objection that the plea based on the Amendment Act of 2021 could not be raised at the appellate stage is rejected.

(ii) The contention founded upon the alleged concession made in earlier proceedings is also rejected.

(iii) The respondent-writ petitioners did not acquire any vested, accrued or enforceable right for grant or execution of mining leases merely on the basis of PLs or LOIs. The doctrine of legitimate expectation is also of no assistance to them, as the same cannot override the statutory mandate and the larger public interest underlying the auction regime.

(iv) The Amendment Act of 2021 is applicable to all pending cases covered under Section 10A(2)(b) of the Act of 1957 and, consequently, the rights claimed by PL holders stood lapsed by operation of law upon commencement of the said Amendment Act.

(v) So far as LOI holders are concerned, their rights, if any, stood lapsed on account of non-fulfilment of the requisite statutory conditions within the prescribed cut-off period under Section 10A(2)(c). Consequently, the areas in question are required to be dealt with in accordance with Section 10A(2)(d) of the Act of 1957.

H. CONCLUSION

46. This Court is of the considered opinion that the respondent-writ petitioners, whether claiming through Prospecting Licences or Letters of Intent, do not possess any surviving enforceable right for execution of mining leases in their favour. Insofar as the PL holders are concerned, their rights stood lapsed by operation of law upon commencement of the Amendment Act of 2021 in terms of the proviso inserted to Section 10A(2)(b) of the Act of 1957. Insofar as the LOI holders are concerned, their rights, if any, were required to be worked out strictly within the period prescribed under Section 10A(2)(c), i.e. on or before 11.01.2017. Having failed to secure execution of mining leases within the statutory

period, no vested, accrued or indefeasible right survived in their favour. Once the rights claimed by the respondent-writ petitioners stood lapsed under Section 10A(2)(b) and/or Section 10A(2)(c) of the Act of 1957, the consequence contemplated under Section 10A(2)(d) necessarily follows, namely, that the areas in question are required to be put to auction in accordance with the provisions of the Act. The respondent-writ petitioners cannot, therefore, seek a mandamus for execution of mining leases under the erstwhile non-auction regime.

46.1. We thus find ourselves in respectful disagreement with the learned Single Judge. It is borne out that while allowing the writ petitions by placing reliance upon the judgment rendered in ***Kamlesh Metacast Pvt. Ltd. Vs. State of Rajasthan & Ors.; S.B. Civil Writ Petition No. 13426/2020*** *(decided on 25.06.2021)*, the effect of the Amendment Act of 2021 and the statutory consequence flowing from Section 10A(2)(b), 10A(2)(c) and 10A(2)(d) of the Act of 1957 was not examined. Since the said statutory provisions directly govern the controversy and extinguish the very basis of the claim raised by the respondent-writ petitioners, the impugned judgments cannot be sustained.

47. In view of the finding recorded on Issue No.1, this Court is of the opinion that adjudication of the remaining issues relating to alleged irregularities in following the "first come first serve" principle, violation of guidelines, and validity of cancellation orders dated 10.02.2021 would remain academic in nature, as no effective relief can now be granted to the respondent-writ petitioners even if such issues were examined in their favour.

48. Consequently, the present special appeals filed by the State are allowed. The orders passed by the learned Single Judge allowing the writ petitions and quashing the cancellation orders dated 10.02.2021 are set aside. The writ petitions filed by the respondent-writ petitioners stand dismissed.

49. It is, however, clarified that wherever the statute provides for reimbursement of expenditure incurred towards reconnaissance or prospecting operations, the eligible parties shall be at liberty to avail such remedy strictly in accordance with law.

50. Pending applications, if any, stand disposed of.

(SUNIL BENIWAL),J **(ARUN MONGA),J**

Concurring view

Per Arun Monga, J.

51. Having had the benefit of what my learned brother Sunil Beniwal, J has expressed and opined in the preceding part, I fully concur with the same. Therefore, we have concluded as above that state appeals deserve to be allowed and the writ petition must be dismissed. Having said that, I though need add no more, but on sharing a few thoughts and reasons of my own with my brother, with which he too is in concurrence, it is deemed appropriate to record the same in the succeeding part, for, if I may say, it might help add some more muscle to the opinion, ibid.

52. **Re The Kamlesh Metacast :**

The respondents place overwhelming reliance on the decisions in Kamlesh Metacast traversing from the learned Single Judge through the Division Bench to the Honourable Supreme Court, projecting it as having attained finality binding upon the State in all connected matters. This submission, attractive as it may appear on first blush, but collapses upon judicial scrutiny. It is well settled that dismissal of an SLP by a non-speaking order does not constitute a declaration of law under Article 141, nor does it create a binding precedent. Consequently, the respondents' attempt to elevate such dismissal of SLP into a pronouncement operating in rem is legally untenable.

52.1. Equally misconceived is the respondents' characterisation of Kamlesh Metacast as a judgment in rem merely because it interpreted certain governmental guidelines. The validity of each Prospecting Licence ("PL") necessarily depends upon its own factual matrix: the timing of the application, the conduct of the applicant, the procedure adopted, and the nature of the alleged irregularities. These issues cannot be homogenised into a single determination merely because one earlier writ petition succeeded. We are of the view that treating all matters as indistinguishable from Kamlesh Metacast in a mechanical manner would be an erroneous approach.

53. **The Non-Statutory Character of the Guidelines Dated 30.10.2014 Does Not Per se Invalidate Them :**

The respondents contend that since Section 20A was inserted in the Mines and Minerals (Development and Regulation)

Act, 1957 only with effect from 12.01.2015, the Central Government had no authority to issue the guidelines dated 30.10.2014, rendering them wholly without legal force. This argument proceeds on a fundamentally flawed premise, that executive power requires a specific statutory authorization for every policy direction. That is not the constitutional position. Under Article 73 of the Constitution, the executive power of the Union extends to all matters with respect to which Parliament has power to make laws. The Central Government, therefore, possessed inherent executive authority to issue guidelines as pre cursor to issuing formal directions concerning mineral concessions in contemplation of the statutory insertion of Section 20A. The guidelines were not issued to the State in purported exercise of any statutory power, they were an exercise in advisory capacity, applicable at the discretion of the State, which is entirely permissible.

53.1. Moreover, the argument that the earlier order dated 02.08.2017 in the Krishna Marble batch had already held these guidelines to be without legal force and that this conclusion had attained finality is itself susceptible to the same infirmity, an inter parties finding cannot bind the State in proceedings involving different parties.

53.2. What is more significant is that the State, in acting upon those guidelines, was simultaneously exercising its own sovereign regulatory authority over mineral resources, which is a distinct and independent source of power. Even if the guidelines are taken to be non-statutory, the underlying policy concern i.e. about the manner and the alacrity, the chronology of fact itself is a telling tale warranting no further adumbration, whereby such large number of LOIs and PLs were rushed through in a narrow window between 01.11.2014 and 12.01.2015, was a legitimate regulatory concern which the State was fully entitled to address through its own executive power dehors the intervention of the Center.

54. **The 2021 Amendment Extinguishes Whatever Transitional Rights Survived :**

The respondents construct an elaborate edifice upon Section 10A(2)(b) of the Act of 1957, arguing that their rights were crystallized and saved by that provision and that the 2021 Amendment cannot touch them. This submission must be rejected on multiple grounds.

54.1. First and fundamentally, Section 10A(2)(b) saves rights only in respect of a prospecting licence that was validly granted and continued to subsist. The entire controversy in the present proceedings is whether the grant of these PLs was valid in the first place and whether their cancellation was lawful. The respondents cannot bootstrap a savings provision to protect a right whose very validity is in dispute, the savings clause presupposes a valid and subsisting concession, which is precisely what is contested here.

54.2. Second, the Parliament, in its legislative wisdom, introduced the proviso to Section 10A(2)(b) through the 2021 Amendment with the explicit purpose of bringing finality to the long-pending transitional cases arising from pre-2015 concessions. The legislative intent is unmistakable i.e. it sought to end the interminable litigation and administrative uncertainty generated by the transitional regime. The argument that "lapse" can only operate against a party at fault imports a condition that the legislature has not chosen to impose. Parliament is fully competent to legislate a no-fault lapse in the interest of public policy and orderly administration of mineral resources, particularly given the constitutional mandate under Article 39(b) to ensure that material resources of the community are distributed to subserve the common good.

54.3. Third, the respondents' reliance upon the distinction between Sections 10A(2)(b) and 10A(2)(c) to contend that the 2021 Amendment does not touch LOI-based rights under the latter provision only reinforces the point that Parliament made a considered legislative choice about which rights to extinguish and which to preserve. That choice, having been made by a competent legislature, is not open to judicial revision merely because some parties find its consequences inconvenient.

55. **Procedural Infirmity Does Not Entitle Respondents to Substantive Relief :**

The respondents invest heavily in the argument that the impugned order dated 10.02.2021 is a non-speaking, cryptic, cyclostyled order passed without application of mind, and that it violates the principles of natural justice. Even accepting, for the sake of argument, that the order suffers from these procedural deficiencies, it does not follow that the respondents are entitled to the restoration of their PLs or to a direction for execution of mining leases. The settled legal position, repeatedly affirmed by the Supreme Court, is that when an order is set aside on grounds of procedural infirmity or violation of natural justice, the only consequence is remand for fresh consideration, not the grant of the substantive relief claimed. The respondents are, in effect, using a procedural grievance as a lever to obtain an irreversible substantive benefit.

55.1. Furthermore, the reliance placed on Mohinder Singh Gill v. Chief Election Commissioner is similarly overstated. There is no quarrel with the principle that an administrative order must stand or fall on the reasons contained in it and that entirely fresh reasons cannot later be invented through affidavits. However, the State's additional affidavit does not seek to substitute or introduce new grounds for cancellation. It merely elaborates the factual and contextual basis underlying the reasons already recorded. The distinction between impermissibly supplementing reasons and permissibly explaining the factual matrix is both real and legally significant. The respondents' attempt to erase that distinction cannot be accepted.

56. **No Indefeasible Vested Right Arises From a Prospecting Licence :**

The respondents' most ambitious submission is that the grant of a PL conferred upon them a vested, valuable and indefeasible right. That would necessarily mean, grant of PL was not merely to prospect, but to ultimately obtain a mining lease, and that this right, having crystallized, cannot be taken away by any subsequent amendment or administrative action. Once again, this submission fundamentally misunderstands the nature of a prospecting licence in the statutory scheme.

56.1. A prospecting licence is inherently exploratory and conditional. Its purpose is limited to enabling investigation into the mineral potential of an area. Even under the unamended regime, the preferential right under Section 11 to obtain a mining lease remained contingent upon successful prospecting, compliance with statutory conditions, and satisfaction of regulatory requirements. It was never an unconditional or absolute entitlement. The respondents' reliance upon Chiranjilal Mineral Industries case and the doctrine of vested rights therefore considerably overstates the legal position.

56.2. More fundamentally, the respondents conflate two distinct legal concepts viz. :

(i). a legitimate expectation of fair treatment,

and

(ii). a vested substantive right immune from subsequent legal change.

The law undoubtedly protects the former through procedural fairness. It does not automatically elevate such expectation into an indefeasible substantive entitlement. At the highest, the respondents possessed a legitimate expectation that their claims would receive fair consideration in accordance with law. That expectation is sufficiently protected by ensuring due process. It does not translate into a guaranteed right to a mining lease irrespective of subsequent statutory amendments, public policy considerations, or defects in the original grant.

57. All of aforesaid taken together, overwhelmingly tilts in favor of upholding the cancellation of the PLs and the LOIs, as the case

may be. All the appeals/petitions as per respective numbers given in the schedule are disposed of accordingly, in terms of para 48-49, as above.

(ARUN MONGA),J

Rmathur/-

Schedule-A

Sr. No.	Appeal No.		Appellants	Respondents
1.	DBSAW No.	785/2023	State of Rajasthan & Ors.	Bheru Singh Sisodiya & Anr.
2.	DBSAW No.	791/2023	State of Rajasthan & Ors.	Rai Singh Sisodiya & Anr.
3.	DBSAW No.	803/2023	State of Rajasthan & Ors.	Ramvatar & Anr.
4.	DBSAW No.	821/2023	State of Rajasthan & Ors.	Smt. Gayatri & Anr.
5.	DBSAW No.	822/2023	State of Rajasthan & Ors.	Gaje Singh Gaur & Anr.
6.	DBSAW No.	827/203	State of Rajasthan & Ors.	Meenakshi Jangid & Anr.
7.	DBSAW No.	832/2023	State of Rajasthan & Ors.	M/s Gayatri Minerals & Anr.
8.	DBSAW No.	833/2023	State of Rajasthan & Ors.	M/s Diwana Minerals & Anr.
9.	DBSAW No.	856/2023	State of Rajasthan & Ors.	M/s Bhavya Industries & Anr.
10.	DBSAW No.	860/2023	State of Rajasthan & Ors.	Deepsikha Gaur & Anr.
11.	DBSAW No.	862/2023	State of Rajasthan & Ors.	Smt. Alka Mishra & Anr.
12.	DBSAW No.	863/2023	State of Rajasthan & Ors.	M/s Solanki Minerals & Anr.
13.	DBSAW No.	865/2023	State of Rajasthan & Ors.	Naresh Jangid & Anr.
14.	DBSAW No.	867/2023	State of Rajasthan & Ors.	Mr. Roshan Bhati & Anr.
15.	DBSAW No.	869/2023	State of Rajasthan & Ors.	M/s Anmol Minerals & Anr.
16.	DBSAW No.	870/2023	State of Rajasthan & Ors.	Vinod Lalchand Lalwani & Anr.
17.	DBSAW No.	876/2023	State of Rajasthan & Ors.	Gaje Singh Gaur & Anr.
18.	DBSAW No.	878/2023	State of Rajasthan & Ors.	Smt. Laxmi Gurjar & Anr.
19.	DBSAW No.	879/2023	State of Rajasthan & Ors.	Chetan Ram Choudhary & Anr.
20.	DBSAW No.	889/2023	State of Rajasthan & Ors.	Lata Chouhan & Anr.
21.	DBSAW No.	904/2023	State of Rajasthan & Ors.	Rajesh Solanki & Anr.
22.	DBSAW No.	922/2023	State of Rajasthan & Ors.	Purshotam Pareek & Anr.
23.	DBSAW No.	923/2023	State of Rajasthan & Ors.	M/s. Ambika Mines and Minerals & Anr.

24.	DBSAW No.	924/2023	State of Rajasthan & Ors.	M/s. KGN Minerals & Anr.
25.	DBSAW No.	926/2023	State of Rajasthan & Ors.	Ratanlal Godara & Anr.
26.	DBSAW No.	933/2023	State of Rajasthan & Ors.	Pawan Pareek & Anr.
27.	DBSAW No.	955/2023	State of Rajasthan & Ors.	Smt. Kamla Kanwar & Anr.
28.	DBSAW No.	957/2023	State of Rajasthan & Ors.	Ratan Lal Kumawat & Anr.
29.	DBSAW No.	958/2023	State of Rajasthan & Ors.	Bhawar Lal & Anr.
30.	DBSAW No.	971/2023	State of Rajasthan & Ors.	Ghanshyam & Anr.
31.	DBSAW No.	1009/2023	State of Rajasthan & Ors.	Bhawani Singh & Anr.
32.	DBSAW No.	1060/2023	State of Rajasthan & Ors.	M/s. Dev Narain Minerals & Anr.
33.	DBSAW No.	1066/2023	State of Rajasthan & Ors.	Rambabu Soni & Anr.
34.	DBSAW No.	1084/2023	State of Rajasthan & Ors.	Shyam Sundar Lohiya & Anr.
35.	DBSAW No.	1090/2023	State of Rajasthan & Ors.	Mukesh Kumar Verma & Anr.
36.	DBSAW No.	1/2024	State of Rajasthan & Ors.	M/s Mahadev Minerals and Chemicals Udhyog & Anr.
37.	DBSAW No.	19/2024	State of Rajasthan & Ors.	M/s Realistic Natural Resources Pvt. Ltd. & Anr.
38.	DBSAW No.	22/2024	State of Rajasthan & Ors.	Pawan Kumar & Anr.
39.	DBSAW No.	47/2024	State of Rajasthan & Ors.	Surendra Kumar Thalod & Anr.
40.	DBSAW No.	105/2024	State of Rajasthan & Ors.	Laxman Singh & Anr.
41.	DBSAW No.	118/2024	State of Rajasthan & Ors.	Nandu Devi & Anr.
42.	DBSAW No.	119/2024	State of Rajasthan & Ors.	Surender Pareek & Anr.
43.	DBSAW No.	123/2024	State of Rajasthan & Ors.	Veer Vikram Singh Tomar & Anr.
44.	DBSAW No.	124/2024	State of Rajasthan & Ors.	Bheru Singh Sisodiya & Anr.
45.	DBSAW No.	160/2024	State of Rajasthan & Ors.	Bheru Singh Sisodiya & Anr.
46.	DBSAW No.	178/2024	State of Rajasthan & Ors.	Puran Mal Swami & Anr.
47.	DBSAW No.	183/2024	State of Rajasthan & Ors.	Rahul Vyas & Anr.
48.	DBSAW No.	252/2024	State of Rajasthan & Ors.	Lalita Sharma & Anr.

49.	DBSAW No.	307/2024	State of Rajasthan & Ors.	Priti Sharma & Anr.
50.	DBSAW No.	337/2024	State of Rajasthan & Ors.	Jhabar Mal & Anr.
51.	DBSAW No.	341/2024	State of Rajasthan & Ors.	Dashrath Kumar & Anr.
52.	DBSAW No.	373/2024	State of Rajasthan & Ors.	M/s Jyoti Minerals & Anr.
53.	DBSAW No.	415/2024	State of Rajasthan & Ors.	M/s Realistic Natural Resources Pvt. Ltd. & Anr.
54.	DBSAW No.	424/2024	State of Rajasthan & Ors.	Radheshyam Verma & Anr.
55.	DBSAW No.	717/2024	State of Rajasthan & Ors.	Smt. Janak Kumari & Anr.
56.	DBSAW No.	759/2024	State of Rajasthan & Ors.	Krishna Soni & Anr.
57.	DBSAW No.	1193/2024	State of Rajasthan & Ors.	Sarvshree Himgauri Enterprises & Anr.
58.	DBSAW No.	48/2025	State of Rajasthan & Ors.	Anant Bakshi & Anr.
59.	DBSAW No.	66/2025	State of Rajasthan & Ors.	Anant Bakshi & Anr.
60.	DBSAW No.	122/2025	State of Rajasthan & Ors.	Smt. Rehana Khan & Anr.
61.	DBSAW No.	708/2025	State of Rajasthan & Ors.	M/s Guru Kripa Plaster & Anr.
62.	DBSAW No.	968/2025	State of Rajasthan & Ors.	Smt. Deu Bai Gurjar & Anr.
63.	DBSAW No.	969/2025	State of Rajasthan & Ors.	Sarla Devi & Anr.
64.	DBSAW No.	1124/2025	State of Rajasthan & Ors.	Trinity Infopark Pvt. Ltd. & Anr.
65.	DBSAW No.	1230/2025	State of Rajasthan & Ors.	Akhil Sharma & Anr.
66.	DBSAW No.	1231/2025	State of Rajasthan & Ors.	Hari Ram Jat & Anr.
67.	DBSAW No.	1232/2025	State of Rajasthan & Ors.	Smt. Kiran Devi & Anr.
68.	DBSAW No.	1233/2025	State of Rajasthan & Ors.	Ramesh Jain & Anr.
69.	DBSAW No.	1234/2025	State of Rajasthan & Ors.	Rahul Sharma & Anr.
70.	DBSAW No.	1235/2025	State of Rajasthan & Ors.	M/s Dhanraj Minchem & Anr.
71.	DBSAW No.	1236/2025	State of Rajasthan & Ors.	M/s Balaji Minerals & Anr.
72.	DBSAW No.	1238/2025	State of Rajasthan & Ors.	Nitin Kabra & Anr.
73.	DBSAW No.	1239/2025	State of Rajasthan & Ors.	Smt. Saroj & Anr.

74.	DBSAW No.	1240/2025	State of Rajasthan & Ors.	Nitin Kabra & Anr.
75.	DBSAW No.	1241/2025	State of Rajasthan & Ors.	Shree Vinayak Corporation & Anr.
76.	DBSAW No.	1242/2025	State of Rajasthan & Ors.	Ummed Sharma & Anr.
77.	DBSAW No.	1243/2025	State of Rajasthan & Ors.	Bhanwar Lal & Anr.
78.	DBSAW No.	1244/2025	State of Rajasthan & Ors.	Narbada Devi & Anr.
79.	DBSAW No.	1245/2025	State of Rajasthan & Ors.	Vijender Singh & Anr.
80.	DBSAW No.	1246/2025	State of Rajasthan & Ors.	Akhil Sharma & Anr.
81.	DBSAW No.	1247/2025	State of Rajasthan & Ors.	Mamta Chaturvedi & Anr.
82.	DBSAW No.	1248/2025	State of Rajasthan & Ors.	Akhil Sharma & Anr.
83.	DBSAW No.	1249/2025	State of Rajasthan & Ors.	Rahul Sharma & Anr.
84.	DBSAW No.	1250/2025	State of Rajasthan & Ors.	Ashok Kumar Jain & Anr.
85.	DBSAW No.	1251/2025	State of Rajasthan & Ors.	Smt. Bala Devi & Anr.
86.	DBSAW No.	1252/2025	State of Rajasthan & Ors.	M/s Dhanraj Minchem & Anr.
87.	DBSAW No.	1254/2025	State of Rajasthan & Ors.	Himmat Singh & Anr.
88.	DBSAW No.	1255/2025	State of Rajasthan & Ors.	M/s Charbhuja Minerals & Anr.
89.	DBSAW No.	1258/2025	State of Rajasthan & Ors.	Nitin Kabra & Anr.
90.	DBSAW No.	1259/2025	State of Rajasthan & Ors.	Nitin Kabra & Anr.
91.	DBSAW No.	1291/2025	State of Rajasthan & Ors.	Sunil Bishnoi & Anr.
92.	DBSAW No.	1395/2025	State of Rajasthan & Ors.	Vipin Chandana & Anr.
93.	DBSAW No.	1713/2025	State of Rajasthan & Ors.	Anant Bakshi & Anr.
94.	DBSAW No.	1716/2025	State of Rajasthan & Ors.	Parmeshwar Lal & Anr.
95.	DBSAW No.	1744/2025	State of Rajasthan & Ors.	Dharam Chand Gurjar & Anr.
96.	DBSAW No.	44/2026	State of Rajasthan & Ors.	Ashok Kumar Choudhary & Anr.
97.	DBSAW No.	50/2026	State of Rajasthan & Ors.	Geetanjali Marble & Anr.
98.	DBSAW No.	874/2023	State of Rajasthan & Ors.	Harish Soni & Anr.

99.	DBSAW No.	886/2023	State of Rajasthan & Ors.	Lokendra Singh & Anr.
100.	DBSAW No.	908/2023	State of Rajasthan & Ors.	Himmat Singh & Anr.
101.	DBSAW No.	936/2023	State of Rajasthan & Ors.	Salim Choudhary & Anr.
102.	DBSAW No.	946/2023	State of Rajasthan & Ors.	Trinity Infopark Pvt. Ltd. & Anr.
103.	DBSAW No.	968/2023	State of Rajasthan & Ors.	Deepsikha Gaur & Anr.
104.	DBSAW No.	974/2023	State of Rajasthan & Ors.	M/s. Singhvi Mining Exploration Pvt. Ltd. & Anr.
105.	DBSAW No.	1005/2023	State of Rajasthan & Ors.	Krishna Soni & Anr.
106.	DBSAW No.	1069/2023	State of Rajasthan & Ors.	Ishwar Singh & Anr.
107.	DBSAW No.	30/2024	State of Rajasthan & Ors.	Ravi Real Mart Pvt. Ltd. & Anr.
108.	DBSAW No.	50/2024	State of Rajasthan & Ors.	Rahul Marbles Pvt. Ltd. & Anr.
109.	DBSAW No.	207/2024	State of Rajasthan & Ors.	Geetanjali Marble & Anr.
110.	DBSAW No.	250/2024	State of Rajasthan & Ors.	Ravi Real Mart Pvt. Ltd. & Anr.
111.	DBSAW No.	324/2024	State of Rajasthan & Ors.	M/s Krishna Marble & Anr.
112.	DBSAW No.	707/2024	State of Rajasthan & Ors.	M/s Krishna Marble & Anr.
113.	DBSAW No.	746/2024	State of Rajasthan & Ors.	Arjun Singh & Anr.
114.	DBSAW No.	1229/2025	State of Rajasthan & Ors.	Baba ramdev Minerals Pvt. Ltd. & Anr.
115.	DBSAW No.	1237/2025	State of Rajasthan & Ors.	Pratap Singh Shekhawat & Anr.
116.	DBSAW No.	1253/2025	State of Rajasthan & Ors.	Pratap Singh Shekhawat & Anr.
117.	DBSAW No.	1256/2025	State of Rajasthan & Ors.	M/s Jainil Mines and Minerals & Anr.
118.	DBSAW No.	1287/2025	State of Rajasthan & Ors.	Rahul Marbles Pvt. Ltd. & Anr.