

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 14645/2021

Nuvoco Vistas Corporation Ltd.

-----Petitioner

Versus

The State Of Rajasthan

-----Respondent

Connected With

1. S.B. Civil Writ Petition No. 6784/2018
2. S.B. Civil Writ Petition No. 15894/2021

For Petitioner(s)	:	Mr. Vikas Balia, Sr. Advocate assisted by Mr. Sachin Saraswat
For Respondent(s)	:	Mr. Mahaveer Bishnoi, AAG with Mr. Gaurav Bishnoi

JUSTICE DINESH MEHTA

Order

03/07/2024

1. Mr. Balia, learned senior counsel appearing on behalf of the company submitted that pursuant to a letter issued by the respondent-State, the petitioner company Nuvoco Vista Corporation has moved an application dated 01.03.2024 under Rule 23 (3) of Mineral (other than Atomic and Hydro Carbons Energy Minerals) Concession Rules, 2016 (hereinafter referred to as 'MCR, 2016').
2. According to Mr. Balia, since more than 90 days have since passed, the application deserves to be treated as having been accepted per force the deeming fiction provided under sub-rule (4) of Rule 23 of MCR, 2016.
3. Rule 23 sub-rule (4) of MCR, 2016 reads thus:-

*"The State Government within a
period of 90 days from the date of
receiving a transfer application made*

under sub-rule (3) shall convey its decision to approve or reject such transfer for reasons to be recorded in writing:

Provided that if the State Government does not convey its decision for such a transfer, within a period of 90 days from the date of receiving such a transfer application, it shall be construed that the State Government has no objection to such transfer.

Provided further that no such transfer of a mining lease or of a [composite licence] shall be made in contravention of any condition subject to which the mining lease or the [composite licence] was granted."

4. A prima-facie reading of the provision of sub-rule(4) of Rule 23 of MCR, 2016 suggests that whatever has been contended by Mr. Balia is correct. Be that as it may. Having regard to the controversy involved in the question and considering that the petitioner-company has been litigating for all those years, the competent authority of the State Government is directed to consider the petitioner's application dated 01.03.2024 and pass appropriate order as is required under law before the next date of hearing.

5. Mr. Bishnoi, learned Additional Advocate General prays for and is granted two weeks time to complete his instructions.

6. List these cases on 16.07.2024.

(DINESH MEHTA),J