HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 10755 of 2026

M/S Kant Construction Company

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Devbrat Mukherjee, Siddharth Mukherjee
Counsel for Respondent(s)	:	C.S.C.

Court No. - 29

HON'BLE ARINDAM SINHA, J.
HON'BLE SATYA VEER SINGH, J.

1. Mr. Devbrat Mukherjee, learned advocate appears on behalf of petitioner and submits, challenge of his client is directed at Letter of Intent (LoI) dated 28th February, 2026 issued by respondent no.2 (the District Magistrate) to private respondent no.4. He submits, the restrictions provisions in rule 26 and procedure provided in rule 27 of Uttar Pradesh Minor Mineral (Concession) Rules, 2021 have not been complied with.

2. Mr. Mukherjee presses for interim interference. He draws attention to clause (b) under rule 26. Said clause is reproduced below.

> *"**26. Restriction on grant of lease-** No person shall be allowed to bid or take part in e-tender/e-auction/e-tender cum e-auction for a lease-*
>
> *(a) .....*
>
> *(b) against whom mining dues are outstanding;*
>
> *(c) .....*
>
> *(d) .....*
>
> *(e) .....*
>
> *(f) .....*
>
> *(g) ....."*

His client submitted affidavit saying, no dues are outstanding. Drawing attention to rule 6(2) he submits further, opportunity must be given to a bidder to rectify his application. This opportunity was not given for his client to obtain certificate from the District Magistrate and furnish it in support of the affidavit. His client's much higher bid was thereby rejected to favour respondent no.4.

3. Dr. Rajeshwar Tripathi, learned advocate, Chief Standing Counsel appears on behalf of State. He draws attention to rule 23(3) to submit, there has been declaration of area for mining. As such, provisions in chapter II, III, VI and IX except rules 10, 17 and 95 shall not apply to the area or areas, in respect of which declaration has been issued. He opposes interim interference. Mr. Shashi Nandan, learned senior advocate appears on behalf of private respondent no.4. He refers to page 58 in the writ petition to submit, on petitioner's omission its technical bid stood rejected. It is thereafter the financial bids were considered and his client issued LoI.

4. Petitioner says, it had submitted affidavit on no dues. It did not get opportunity to obtain certificate from the administration to support its affidavit on assertion of no dues. This opportunity it was entitled to under rule 6. State says, on declaration of the area, *inter alia*, chapter II will not apply. We see that sub-rule (3) in rule 23 indicates provisions in the excepted chapters as not applicable to any area or areas in respect of declaration issued. Petitioner's contention is, it was not allowed to regularize its application. It does not relate to any dispute regarding area declared.

5. Respondents may file affidavit, if they so desire. Considering LoI has already been issued, we intend to dispose of the writ petition on urgent basis.

6. List on 31st March, 2026 as fresh. The LoI will remain stayed till next date of hearing. Petitioner will provide English

translation of document dated 12th January, 2026 (page 33) and check list at page 58.

March 23, 2026
Salim

(Arindam Sinha,J.)

(Satya Veer Singh,J.)

Digitally signed by :-
SALIM PRAVEJ
High Court of Judicature at Allahabad