



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.		

Along with :

1. **Writ - C No. 11154 of 2026:**
Kant Construction Company
Versus
State of U.P. and 3 others
 2. **Writ - C No. 12100 of 2026:**
M/s Rudra Enterprises
Versus
State of U.P. and 5 others
 3. **Writ - C No. 12260 of 2026:**
Kant Construction Company
Versus
State of U.P. and 3 others
-

Court No. - 29

HON'BLE ARINDAM SINHA, J.
HON'BLE PRASHANT KUMAR, J.

1. Above several writ petitions have been tagged together. This is because the several petitioners are bidders, who allege their bids are higher than the person issued with Letter of Intent (LoI) dated 28th February, 2026 for execution of mining lease. It appears, the mining operation is to be done on private land. Till here there is no dispute.

2. The bidders who are petitioners found out their fate of having had their technical bids rejected from check-list issued on 26th February, 2026. It

appears from the check-list, as on date of its issuance/uploading, some of the bids were opened. Those bids that were rejected on technicalities, were not opened. In this situation petitioners, whose bids were not opened, have disclosed their bids in their respective petitions. They claim their bids are substantially higher than the person favoured with issuance of the LoI.

3. Mr. Devbrat Mukherjee, learned advocate appearing for petitioner in Writ-C no.10755 had made his submissions as were recorded in order dated 23rd March, 2026. Today, Mr. H.N. Singh, learned senior advocate appearing on behalf of petitioners in Writ-C no.12260 of 2026 and 11154 of 2026 relies on clause (d) under sub-rule (2) in rule 23 of Uttar Pradesh, Minor Minerals (Concession) Rules, 2021. He submits, after the bids have been evaluated, for ascertaining the highest bids, there is requirement for enabling the owner(s) of having right of first refusal. In other words, the owner(s) can bid higher than the highest bid. This apart from requirement of accepting highest bid under rule 28, to ensure maximum revenue and compensation to the owner(s) in cases of exercise of right of first refusal. Said clause (d) requires, *inter alia*, for the owner(s) to be made cognizant of completion of the e-auction process and within seven working days thereafter, avail opportunity to present an offer higher than the highest bid before the authority having territorial jurisdiction, proceeds to execute the lease. As aforesaid, the bids, some of which stood rejected and others opened, were information made known to petitioners by check-list issued/uploaded on 26th February, 2026. The LoI is dated 28th February, 2026.

4. Dr. Rajeshwar Tripathi, learned advocate Chief Standing Counsel appears on behalf of State. He is to obtain instructions and file affidavit demonstrating compliance with the procedure provided by above referred and other rules, in issuance of the LoI.

5. Mr. Shashi Nandan, learned senior advocate appearing for the respondent in favour of whom the LoI was issued, opposes adjournment in view of interim order made by aforesaid order dated 23rd March, 2026. In the circumstances, the affidavit of State will be accepted on adjourned date upon advance copies circulated. Omission on part of State will be to detriment of the LoI holder.

6. List on 6th April, 2026 as fresh. The interim order to continue till next

date of hearing.

April 1, 2026

Saurabh Yadav/-

(Arindam Sinha,J.)

(Prashant Kumar,J.)