

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL)..... Diary No(s).4706/2026

[Arising out of impugned final judgment and order dated 05-12-2025 in RVWPET No.144/2024 08-05-2024 in WP(C) No. 11159/2024 passed by the High Court of Orissa at Cuttack]

SUDHIR KUMAR HARICHANDAN

Petitioner(s)

VERSUS

STATE OF ODISHA & ORS.

Respondent(s)

IA No. 49494/2026 - CONDONATION OF DELAY IN FILING

Date : 24-02-2026 These matters were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Petitioner(s) :Mr. Nikilesh Ramachandran, AOR
Mr. Shubham Seth, Adv.
Mr. Aditya Krishnan, Adv.
Mr. Lovekesh Aggarwal, Adv.
Ms. Neelam Rathore, Adv.
Ms. Shridevi Dumpa, Adv.
Ms. Sheenam Chhabra, Adv.
Ms. Poonam Kalia, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

1. Delay condoned.
2. The petitioner was granted a five-year quarry lease for Tarkera Sand Bed-III pursuant to a public auction conducted in terms of the notice dated 28.06.2018. The lease deed was executed on 25.04.2019 for a period upto 25.04.2024. The petitioner is said to have obtained environmental clearance on 14.03.2019 from the District Level Environmental Impact Assessment Authority (DEIAA). He also received Consent to Operate till 25.04.2024. On 17.05.2023,

the petitioner deposited the royalty for the period of 2023-24, amounting to Rs.12,80,701/-. Regardless thereof, the petitioner was served with a notice dated 17.10.2023 asking him to obtain fresh Environmental Clearance for the remaining period of the lease.

3. Shortly before this, on 10.08.2023, the Deputy Director (Mines), Rourkela issued an order directing the petitioner to stop all quarrying activities on the ground that requisite permissions/recommendations were not obtained and that certain annual/quarterly returns had not been submitted as per the Odisha Minor Minerals Concession Rules, 2016. The petitioner's reply did not find favour and consequently, the earlier-stated closure order was passed. Aggrieved, the petitioner filed Writ Petition (Civil) No. 11159/2024 before the Orissa High Court. The High Court dismissed that writ petition, *inter alia*, on the grounds that the petitioner did not challenge the communication dated 10.08.2023 directing the stoppage of operations and that the writ petition suffered from delay as it was filed two days after the lease period had expired.

4. As regards the petitioner's claim for refund of the royalty, the High Court, in paragraph 5 of the impugned order dated 08.05.2024, held that since the petitioner did not challenge the communication dated 10.08.2023, he was deemed to have accepted the same. Hence, the claim for refund of the royalty was not maintainable.

5. The review petition filed by the petitioner was also dismissed.

6. Though we do not propose to modify the impugned order of the

High Court as we have not issued any notice to the other party and they have not been heard at this stage, it seems to us that the petitioner had submitted in his representation-cum-reply dated 04.11.2023 that, in the event of closure of the quarry, he was entitled to seek refund of the royalty amount. This claim was never adjudicated by the Authorities. Owing to this, the High Court, to that extent, may not be correct in holding, in paragraph 5 of the impugned order, that the petitioner abandoned the plea for refund.

7. However, in the absence of the respondents, we cannot return any definite finding *re:* petitioner's claim for refund of the royalty amount.

8. All that we propose to issue is a direction to the State of Orissa through the Department of Revenue and Disaster Management, the Collector, Sundargarh, and the Deputy Director (Mines), Rourkela and other Authorities that the petitioner's claim regarding refund of the royalty amount be examined and be determined by way of a speaking order within a period of two months from the date of receipt of the copy of this order. In the event the petitioner is not found entitled to the refund or his entire claim is not satisfied, liberty is granted to him to approach the High Court for the aforestated limited relief.

9. The Special Leave Petitions are, accordingly, disposed of.

10. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR