

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No.6703/2008

DASRATH PRASAD CHAUDHARY

Appellant(s)

VERSUS

STATE OF U.P & ORS.

Respondent(s)

WITH

Civil Appeal No. 8051/2011

O R D E R

Civil Appeal No.6703/2008

We have heard learned counsel for the appellant.

There have been several subsequent developments that have taken place including the fact that now, under the statute, renewal of mining lease is not automatic.

In view of the Constitution Bench decision of this Court in Natural Resources Allocation, In Re: Special Reference No.1 of 2012 [(2012) 10 SCC 1], if a mining/quarrying lease is required to be granted by the State Government, it can only be done through an auction.

Therefore, we leave it open to the State Government to take a decision whether mining/quarrying lease is required to be granted in respect of sand mining in Robertsganj, Sonbhadra District. In case it is required to be granted, it can only be through an auction.

The case of the appellant has been pending before us for the last about a decade or so for renewal of the mining lease.

Keeping this in mind, in case it is decided to hold an auction and if the bid of the highest bidder is to be

accepted and all things being equal, preference may be given to the appellant.

In the exceptional circumstances of this case, in case the appellant is not the highest bidder, an opportunity may be given to the appellant to match the highest bid.

Any amount deposited by the appellant for renewal of the mining/quarrying lease may be returned with interest at the rate of 8%.

With the above observations, the appeal stands disposed of.

Civil Appeal No. 8051/2011

We have heard learned counsel for the appellant.

We are not inclined to interfere with the impugned order passed by the High Court.

Any amount deposited by the appellant for renewal of the mining/quarrying lease may be returned with interest at the rate of 8%.

The appeal is dismissed.

.....J.
(MADAN B. LOKUR)

.....J.
(DEEPAK GUPTA)

ITEM NO.106

COURT NO.3

SECTION III-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s).6703/2008

DASRATH PRASAD CHAUDHARY

Appellant(s)

VERSUS

STATE OF U.P & ORS.

Respondent(s)

WITH

C.A. No. 8051/2011 (III-A)

Date : 13-09-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Appellant(s)

Mr. Paras Kuhad, Sr. Adv.
Mr. Joydeep Mazumdar, Adv.
Mr. Jitin Chaturvedi, Adv.
Ms. Aditi Tripathi, Adv.
Ms. P. Chakraborty, Adv.
Mr. Suhaib Hussain, Adv.
Mr. Chira Ranjan Addy, AOR

Mr. Joydeep Mazumdar, Adv.
Mr. Rohit Dutta, Adv.
Ms. P. Chakraborty, Adv.

For Respondent(s)

Mr. Ravi Prakash Mehrotra, AOR(NP)

Mr. Adarsh Upadhyay, AOR(NP)

Mr. Anuvrat Sharma, AOR(NP)

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

Civil Appeal No.6703/2008

The appeal stands disposed of in terms of the signed order.

Pending application, if any, stands disposed of.

C.A. No. 8051/2011

The appeal is dismissed in terms of the signed order.

Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
ASSISTANT REGISTRAR