

Shri Nand Lal Jain

Vs

State of Bihar

Civil Appeal No. 2047 of 1979

(Y.V. Chandrachud, Syed M. Fazal Ali, E.S. Venkataramiah JJ)

23.07.1979

ORDER

1. Heard counsel. Special leave granted.
2. The question in this appeal is whether the mining lease in respect of fire-clay which was granted to the appellant should have been renewed or not. The Central Government declined to entertain the appellant's application for renewal of the lease on the ground that the application was not made within the time stipulated by law. It, however, appears from the order dated June 7, 1974 passed by the Central Government in another case [No. MV-1 (556)/78], that, in appropriate cases, the Central Government has the power to condone the delay caused in applying for renewal of the licence. If that be so, we do not appreciate for what special reasons the delay in the instant case could not be condoned by the Central Government.
3. Accordingly, we set aside the order dated July 17, 1978 of the Central Government and direct that it will dispose of the application of the appellant for renewal of the lease on merits, keeping in mind the relevant provisions of law which govern the renewal of leases. By issuing this direction, we should not be understood as asking the Central Government to grant the renewal. It would be entitled to consider every relevant aspect of the matter, including the circumstances arising out of the delay caused in making the application for renewal. All that we ask not to be done is that the application will not be thrown out on the ground of delay alone.
4. Accordingly, the appeal is allowed with no order as to costs.

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