

M/s. Harkaran Das Mangilal and Another

Vs

Union of India and Others

Civil Appeal No. 1254 of 1981

(CJI Y.V. Chandrachud, V.B. Eradi JJ)

03.04.1981

ORDER

1. Heard counsel. Special leave granted.

2. The question which arises for consideration in this appeal is whether the mining lease in respect of china clay which was granted to the appellants should have been renewed or not. The Central Government by its final Order 639 of 1978 dated September 16, 1978 set aside the order of the State Government dated November 26, 1977 as having been passed without jurisdiction and directed that the State Government need not pass any fresh orders on the renewal application of the appellants since it was deemed to have been rejected on December 23, 1975 and since the appellants did not file a revision application again the deemed rejection within the prescribed period of limitation. It, however, appears from the order dated June 7, 1974, passed by the Central Government in another case (No. MV-i/5567/78), 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 judgment of the High Court dated March 22, 1980 in Civil Writ Jurisdiction Case 592 of 1978(R) and the order dated September 16, 1978 of the Central Government and direct that it will dispose of the revision application of the appellants for renewal of the lease on merits, keeping in mind the relevant provisions of law which govern the renewal of leases. This direction should not be understood as requiring the Central Government to grant the renewal of the licence. The government, while dealing with the question of renewal will be free to consider every relevant aspect of the matter, including the circumstances arising out of the delay caused in making the revision application for renewal. All that we hereby direct is that the application for renewal will not be rejected on the ground of delay. Accordingly, the appeal is allowed with no order as to costs.

</html