

Harkaran Das Mangilal And Anr. vs Union Of India (Uoi) And Ors. on 3 April, 1981

Equivalent citations: AIR1981SC1734, (1981)3SCC124, AIR 1981 SUPREME COURT 1734, 1981 (3) SCC 124

Bench: Y.V. Chandrachud, V. B. Eradi

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 learned Counsel 639 of 1978 dated 16-9-1978 set aside the order of the State Government dated 26-11-1977 as having been passed with out 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 23-12-1975 and since the appellants did not file a revision application against 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 (learned Counsel 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 at the High Court dated 22nd March, 1980 in Civil Writ Jurisdiction Case learned Counsel 592 of 1978 (R) and the order dated 16-9-1978 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.