

Sinclair Steels Vs. State of Jharkhand and ors.

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Court : Jharkhand

Decided On : Aug-26-2008

Reported in : [2008(4)JCR644(Jhr)]

Judge : D.G.R. Patnaik, J.

Appellant : Sinclair Steels

Respondent : State of Jharkhand and ors.

Judgement :

ORDER

D.G.R. Patnaik, J.

1. This application has been filed by the petitioner for issuance of a direction to the respondents to forthwith grant licence/registration to the petitioner for processing/storage/sale/trade of iron ore.

2. The case of petitioner is that it is a private company engaged in the business of mining, manufacturing, processing, trading, sale and purchase of iron ores. A Circular was issued in the Department of Mines by the State of Jharkhad in 2007 directing all persons/companies engaged in the business of minerals to obtain registration from the mining department.

3. In pursuance of the direction contained in the said circular, the petitioner filed its application on 28.5.2008 before the District Mining Officer on 28.5.2008, who directed the petitioner to furnish certain documents, including a declaration on affidavit that the petitioner (in case of a company, the Managing Director thereof) is not convicted for any offence relating to smuggling of coal and minerals. It is stated that an affidavit was filed by the Director of the petitioner company declaring that on the allegation that the petitioner did not possess the requisite registration certificate at the particular time, FIR was instituted against the Director in which he was granted bail and the trial is pending.

4. Learned Counsel for the petitioner submits that the petitioner's representatives have been persuading the Department concerned for grant of the dealer's Registration which has not been granted so far.

Learned Counsel for the petitioner explains that as per the conditions stipulated in respect of grant of dealer's registration, such registration may be withheld only if the applicant has been convicted of an offence relating to smuggling of coal and minerals.

5. In the instant case, no such disqualification applies to the petitioner. Yet the respondents have withheld the grant of registration to the petitioner without any reasonable and legal basis therefor.

JC to SC mines who is present prays for time to obtain instructions and file counter affidavit.

6. Nevertheless, it appears from the averments made in the writ petition that admittedly, application for grant of licence/registration to the petitioner was made on 28.5.2008 which is pending with the concerned department and in absence of such registration certificate, the petitioner is not being permitted to continue its trade and business.

7. Considering the above facts and circumstances, the respondent No. 4 before whom the application of the petitioner is claimed to have been filed, is directed to dispose of the petitioner's application for registration passing a reasoned and

speaking order within four weeks from the date of receipt of a copy of this order.

8. Let a copy of this order be given to the counsel for the respondents.

9. This application is disposed of.

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