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WP-11364-2021

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

&amp;

HON'BLE SHRI JUSTICE PRADEEP MITTAL

ON THE 24<sup>th</sup> OF FEBRUARY, 2026WRIT PETITION No. 11364 of 2021

*M/S SHRI KRISHNADAS TIKARAM A PARTNERSHIP FIRM  
REPRESENTED THR ITS PARTEN SHRI ASHWANI GAUTAM*

*Versus*

*THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Kishore Shrivastava, Senior Advocate with Shri Kapil Jain, Advocate  
for the petitioner.

Shri Abhijeet Awasthi Dy. Advocate General for the State.

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ORDER

*Per. Justice Pradeep Mittal*

The present writ petition has been filed under Articles 226 of the Constitution of India against the order dated 02.03.2020 passed by respondent No. 1 whereby the representation for extension of lease period of the petitioner has been dismissed.

2. The facts of the case are that the Petitioner /Company was granted a Mining Lease for extraction of Bauxite and Limestone over an area of 10.16 acres situated in Village Argat, Tehsil Amarpatan, District Satna, vide order dated 08.01.1964. The lease was executed for a period of 20 years from 16.01.1964 to 15.01.1984. Prior to the expiry of the lease period, the Petitioner has applied on 27.12.1984 for the first renewal of the lease. The said application was rejected on 17.12.1985 by the State Government on the ground of delay. Aggrieved thereby



the petitioner preferred a Revision before the Central Government. The Revisional Authority, vide order dated 29.11.1988, set aside the rejection order and directed the State Government to reconsider the renewal application on merits of the petitioner. In compliance of the order dated 29.11.1988, the State Government granted renewal of the lease for a period of 10 years vide order dated 20.11.1992, and the lease deed was executed on 18.03.1993. The petitioner, being aggrieved by the grant of renewal for only 10 years instead of 20 years, preferred a second revision before the Central Government. The Revisional Authority, vide order dated 20.02.1998, held that the petitioner was entitled to renewal for a total period of 20 years and accordingly directed modification of the lease period. In compliance, the lease stood renewed for the period from 18.03.1993 to 17.03.2013. Thereafter, the petitioner applied on 27.02.2012, seeking second renewal of the mining lease. During the pendency of the said application, the Mines and Minerals (Development and Regulation) Amendment Act, 2015 came into force with effect from 12.01.2015, whereby the provisions relating to renewal of mining leases were abolished and Section 8-A was inserted. As per Section 8-A (6) of the Act, all mining leases granted prior to the amendment shall be deemed to have been extended up to 50 years from the date of grant or until 31.03.2020, whichever is later, subject to compliance of the lease conditions.

3. The Petitioner submitted a representation dated 06.08.2018 seeking extension of the lease period by an additional period of 09 years and 02 months on the ground that mining operations remained closed from 16.01.1984 to 18.03.1993 due to litigation and administrative delay, and therefore the said period ought to be excluded while computing the total lease period. The respondents rejected the petitioner's claim vide impugned order dated 02.03.2020 on the ground that there is no provision under the Act or Rules permitting addition of the non-operational



period to the lease period.

4. The Respondents submit that the original mining lease was granted on 16.01.1964 and, in terms of Section 8-A(6) of the MMDR Act, 1957 as amended in 2015, the maximum statutory lease period of 50 years expired on 15.01.2014, and by operation of law, the lease stood deemed extended only up to 31.03.2020, whichever is later. It is further submitted that there is no provision under the Act or the Rules permitting exclusion or addition of any non-operational period for extending the lease beyond the statutory limit of 50 years, and the amendment has abolished the concept of renewal by prescribing a fixed maximum lease period. The representation of the petitioner was duly considered and rightly rejected vide order dated 02.03.2020, as the petitioner failed to establish any statutory entitlement for further extension. The judgment relied upon by the petitioner, being prior to the 2015 amendment, cannot override the express statutory provisions. Therefore, the impugned order is legal and valid, and the present petition, being devoid of merit, deserves to be dismissed.

We have heard learned counsel for the parties and perused the record.

5. It is undisputed that the non-operational period lasted nine years and two months. The contention of the petitioner that the non-operational period of 09 years and 02 months should be excluded and added to the lease period cannot be accepted, as there is no provision under the MMDR Act, 1957, as amended in 2015, permitting such exclusion or extension beyond the statutory period of 50 years. The benefit of deemed extension is available only to leases which were valid and subsisting in accordance with Section 8-A of the Act, and the statute does not provide for grant of additional lease period on account of non-operation due to litigation.

6. In support of the above contention, the petitioner relied on the judgment



in the case of **Yogesh Khare vs State of Madhya Pradesh** (W.P. No. 7760/2012, decided on 13.10.2014), which was rendered prior to the MMDR Amendment Act, 2015, and therefore cannot override the express statutory provisions introduced by the amendment.

7. The contention of the petitioner is that the original mining lease was granted on 16.01.1964. Therefore, in terms of Section 8-A (6) of the MMDR Act, the maximum lease period of 50 years expired on 15.01.2014, and by operation of law, the lease stood extended only up to 31.03.2020. It is further contended that, after including the non-operational period of nine years and two months, the lease ought to have been renewed up to 31.03.2029.

8. The above contention cannot be accepted because the lease period had already expired before the amendment came into force in 2015.

9. Before the enactment of the 2015 Amendment, a mining lease could be renewed only for ten years, and not for fifty years. After the expiry of the lease period, by order dated 29.11.1988, the State Government renewed the lease for a period of ten years vide order dated 20.11.1992. At the time of such renewal, the petitioner did not claim that the non-operational period of nine years and two months should be added to the lease period.

10. Being aggrieved by the renewal granted for only ten years, the petitioner preferred a second revision before the Central Government. The Revisional Authority, vide order dated 20.02.1998, held that the petitioner was entitled to renewal for a total period of twenty years. This clearly indicates that the Government had already taken into account the non-operational period while granting renewal for twenty years instead of merely nine years and two months. Therefore, in light of the above-mentioned judgment, the petitioner is not entitled



to claim the benefit of that period twice.

11. The respondent No.1 also held in the impugned order that as per the first proviso to Section 8(9) of the Act, the benefit of extension of the lease period in the name of the lessee shall be granted, by operation of law, only in respect of those leases which were valid and subsisting on the date on which the amended provisions came into force. It is further provided that this provision shall not apply to cases where only deemed renewal applications were pending prior to the amendment. It was further held that in the present case, it is evident from the terms and conditions of the lease period/approval that the extension of the lease in the name of the lessee is subject to the provisions of the Act.

12. The petitioner's lease had already lapsed upon expiry of the prescribed period in 2013, prior to the enactment of the 2015 Amendment. Therefore, Section 8-A of the MMDR Act is not applicable to the present case. Consequently, the lease period does not extend up to 31.03.2020.

13. This court in the case of **Yogesh Khare Vs. State of M.P. and others** in W.P. No. 7760 of 2012 vide order dated 13.10.2010 held in para 5 that "*it cannot be gainsaid that the mandate of Section 8 of the Act of 1957 envisages grant of mining lease for a period not less than 20 years from the grant. Realising this position, the State Government vide order dated 10th May, 2011 accepted the claim of the petitioner that the mining lease period should be for 20 years from the date of original grant. However, the Authority did not deem it appropriate to reckon the 20 years period by giving benefit to the petitioner from 2004 till 2011 during which period, the petitioner was pursuing remedy before the competent Authority and including this Court by way of writ petition.*"

Further in para 7 it was held by this court as under:-



*"In the present case, the petitioner could not avail of the minimum lease period of 20 years between 2004 to 2011 because of the inaction of the Authorities and the lapse, in no way, was attributable to the petitioner. On the contrary, the petitioner having pursued his remedy in accordance with law, was entitled for continuation of the mining lease for further seven years from 26th September, 2014, keeping in mind that 20 years term of the original period prescribed under the lease deed vide order dated 27th September, 1994 would have ordinarily expired on 26th September, 2014. For, the petitioner was unable to avail of the mining lease between 2004 to 2011 until the order was passed by the State Government on 10th May, 2011. The order passed by the State Government, therefore, could not have limited the mining lease period till 26th September, 2014 but also added the period spent by the petitioner before the Court of Law between 26th September, 2004 till 10th May, 2011. That period will have to be added from 26th September, 2014 and the petitioner would be thus entitled to commensurate extended mining lease period on that basis."*

14. The contention of the respondent is also not acceptable that, in terms of Section 8-A(6) of the MMDR Act, 1957, as amended in 2015, the maximum statutory lease period of 50 years expired on 15.01.2014 and, by operation of law, the lease stood deemed to be extended up to 31.03.2020, whichever is later. The said contention cannot be accepted because the petitioner's lease had already expired prior to the 2015 Amendment. For the sake of argument, it may be accepted that the period of the lease expired on 31.03.2020, and no further extension of 9 years and 2 months for the non-operational period of the lease can be granted, as the Government had already granted that benefit by extending the lease for 20 years instead of 10 years.

15. In view of the above discussion, it is clear that the non-operational period of nine years and two months had already been taken into account while granting the second renewal to the petitioner, and that the lease had expired prior to the enactment of the 2015 Amendment. Therefore, the respondents have rightly rejected the petitioner's claim.



16. Accordingly, we do not find any illegality or infirmity in the impugned order that calls for any interference by this court. The petition, being devoid of substance and merit, is hereby dismissed.

**(VIVEK RUSIA)**  
**JUDGE**

**(PRADEEP MITTAL)**  
**JUDGE**

MSP