

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF OCTOBER, 2025



PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C M JOSHI

WRIT PETITION NO.265 OF 2021 (GM-MM-S)

BETWEEN:

M/S. ANNAPURNESHWARI MINERALS
OFFICE AT NO.214/1
AADITYA NILAYA
8TH MAIN ROAD, 1ST CROSS
G.M. PALYA, NEW THIPPASANDRA
BANGALORE - 560 075
REPRESENTED BY ITS
MANAGING PARTNER
SMT. BHAVYA MUNIRAJ

... PETITIONER

(BY SRI BHAT GANAPATHY NARAYAN, ADVOCATE)

AND:

- 1 . THE STATE OF KARNATAKA
REPRESENTED BY ITS CHIEF SECRETARY
VIDHANA SOUDHA
DR. B.R. AMBEDKAR VEEDHI
BENGALURU - 560 001.
- 2 . THE PRINCIPAL SECRETARY
DEPARTMENT OF MINES AND GEOLOGY
VIDHANA SOUDHA
DR. B.R. AMBEDKAR VIDHI
BENGALURU - 560 001.

- 3 . THE JOINT DIRECTOR
AND REVISION AUTHORITY
DEPARTMENT OF MINES AND GEOLOGY
SOUTH ZONE, MYSORE - 570 004.
- 4 . THE DIRECTOR
DEPARTMENT OF MINES AND GEOLOGY
KANIJA BHAVAN
BENGALURU - 560 001.
- 5 . THE SENIOR GEOLOGIST
DEPARTMENT OF MINES AND GEOLOGY (MINES)
VISHVESHWARAIHA TOWER
13TH FLOOR, DR. B.R. AMBEDKAR VIDHI
BENGALURU URBAN DISTRICT
BENGALURU - 560 001.

... RESPONDENTS

(BY SRI K.S. HARISH, GOVERNMENT ADVOCATE
FOR R-1 TO 5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ORDER IN REVISION PETITION NO.71/2019-20, DATED 13.08.2020, PASSED BY THE 3RD RESPONDENT, AS PER ANNEXURE-G, CONSEQUENTLY QUASH THE IMPUGNED REJECTION ORDER DATED 18.01.2014 ISSUED BY THE 5TH RESPONDENT AS PER ANNEXURE-E & ETC.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED FOR JUDGMENT, COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS PRONOUNCED AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C M JOSHI

C.A.V. JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 13.08.2020 passed by the Joint Director and Revision Authority, Department of Mines and Geology, South Zone, Mysuru [**the Revisional Authority**]. The petitioner also assails the Rejection Order dated 18.01.2014 passed by respondent No.5 [**The Senior Geologist**], whereby the petitioner's application for quarry lease in respect of lease No.138 for mining building stones, in an area covering one acre falling in Survey No.43, Chikka Nagavalli Village in Chikkaballapur District, was rejected. The said rejection was in terms of Rule 28 of the Karnataka Minor Mineral Concession Rules, 1994 [**the 1994 Rules**].

2. The petitioner claims that he was carrying on business of quarrying building stones pursuant to quarry lease/licence being QL No.138 in an area of one acre falling in Survey No.43, Chikka Nagavalli Village in Chikkaballapur District. The

said quarry lease was initially granted to one Shri Doddachinnappa [**the original lessee**] on 18.03.2011 for a period of ten years with effect from 30.12.2003. The term of the lease expired on 29.12.2013. Prior to the expiry of the said lease, the original lessee (Shri Doddachinnappa) made an application before the Senior Geologist for transfer of the licence/lease in favour of the petitioner. The said application was accepted by an order dated 26.12.2013. The quarry lease/licence in question was transferred in favour of the petitioner. The original licensee also executed a deed of transfer of the quarry lease/licence in a requisite form [Form-T] on 19.12.2013.

3. The petitioner made an application for renewal of the quarry lease on 30.12.2013, which was rejected by an order dated 18.01.2014. The petitioner challenged the said rejection order before the Revisional Authority by filing a Revision Application No.71/2019-20. Although, respondent No.5 passed an order dated 18.01.2014 rejecting the petitioner's application, the same was not communicated to the petitioner at the material time. The petitioner claims that he had visited the office of respondent No.5 in the month of September 2019 to enquire about the status of his application for renewal of quarry

lease/licence in question and was informed about the rejection order. The petitioner also claims that he had applied for a copy of the said order under the Right to Information Act, 2005 [**the RTI Act**] and secured the same. He claims that immediately, on receiving a copy of the impugned order, he filed the revision petition.

4. The petitioner's application for renewal was rejected on the ground that it was not filed prior to expiry of the lease. It is the petitioner's case that he had applied for renewal of the quarry lease/licence on 30.12.2013, as 29.12.2013 was a Sunday and therefore, a holiday. He relies on the provisions of Sections 9 and 10 of the General Clauses Act, 1897 [**the 1897 Act**] in support of his contention that his application for renewal was filed within time.

Order of the Revisional Authority

5. The Revisional Authority, essentially, framed two questions for consideration. First, whether the impugned rejection order is contrary to law; and second, whether the revision application is valid.

5.1 Both the questions were answered in negative.

5.2 The Revisional Authority found that there was no explanation or valid reason for not filing the revision application within the time prescribed under Sub-rule (1) Rule 53 of the 1994 Rules.

6. It is material to note that the quarry lease in question was granted to the original lessee on 30.12.1998 for five years. The said lease expired on 29.12.2003. Thereafter, on 03.02.2006, the original lessee filed a renewal application, which was rejected by respondent No.5 by an order dated 21.04.2006. The original lessee preferred a Revision petition before respondent No.3 under Rule 53 of the 1994 Rules which was allowed and the Revisional Authority issued orders for processing the original lessee's application for renewal of the lease. Pursuant to the said direction, the quarry lease deed bearing No.138 was executed on 18.03.2011 granting quarry lease in favour of the original lessee with effect from 30.12.2003 for a period of ten years.

7. As noted above, the original lessee transferred the lease in favour of the petitioner, which was accepted by respondent No.5 in terms of an order dated 26.12.2013. The petitioner made application for renewal of the lease on 30.12.2013. The

petitioner's application for renewal was also accompanied by two demand drafts for a sum of ₹2,000/- and ₹2,500/- towards fees for renewal application and security deposit respectively. However, it is contended on behalf of the respondents that the said application was rejected since it was not accompanied with certificate to the effect that the petitioner had cleared all dues towards the Government.

8. Rule 21 of the 1994 Rules which came into effect from 16.12.2013 is relevant and is set out below:

"21. Application for grant or renewal of a quarrying lease in respect of non-specified minor minerals:-

(1) Every application for grant of a quarrying lease to quarry non-specified minor minerals in the land belonging to the State Government [which has not been notified under Rule 8-B] shall be made in Form-AQL to the Competent Authority. The application shall be accompanied by a security deposit in the form of treasury challan for a sum calculated [at the rate of rupees five thousand per acre and an application fee of rupees two thousand] in the form of a treasury challan [together with a certificate issued by the Competent Authority for having cleared the arrears, if any, in respect of any lease held by the applicant as on the date of making the application and other documents] area sketch etc., as specified in Form-AQL.

[(1-A) Any person having quarry lease may apply over the adjoining land along with the details of lease held and combined sketch of held area and applied area to the Competent Authority in the manner as specified in sub-rule (1) only for the purpose of meeting the criteria of minimum extent stipulated for grant or renewal of quarry lease and such applied area shall make the existing lease area contiguous:

Provided that the lessee to whom, lease is granted under this rule shall commence the quarrying operations only after and amalgamation with the existing lease and after obtaining Environment clearance for the expansion of the project.]

[(2) Every application for renewal of a quarrying lease to quarry non-specified minor mineral in the land belonging to the State Government which has not been notified under Rule 8-B shall be made in Form R to the Competent Authority on or before ninety days before the expiry of the lease together with a certificate to the Competent Authority for having cleared the arrears, if any, in respect of any lease held by the applicant as on the date of making the application. The application shall be accompanied by an application fee of rupees one thousand in the form of a treasury challans together with the difference of security deposit, if any, to be paid by the lessee at the prevailing rate, sketch as specified in FORM R:]

Provided that an application for grant or renewal of a quarrying lease by any person belonging to economically weaker section and who is a quarry operator by tradition and whose livelihood depended entirely on quarrying of ordinary building stones, shall be accepted with rupees one thousand as the security deposit per acre and rupees five hundred as application fee:

Sl. No	Period of delay	Amount of penalty
1.	Upto one month	10% of the existing annual dead rent subject to a minimum of Rs.2000.00
2.	Upto two months	15% of the existing annual dead rent subject to a minimum of Rs.3000.00
3.	More than 2 months but before expiry of lease	25% of the existing annual dead rent subject to a minimum of Rs.4000.00

Provided that any renewal applications received after expiry of the above period shall be rejected.

[(2-A) If application for renewal of a quarrying lease made on or before the expiry of the lease, is not disposed of by the Competent Authority before such expiry, the period of lease shall be deemed to have been extended [Only for a period not exceeding one year from the date of expiry of the lease held and [the deemed extension] shall be treated as lapsed from thereafter the lessee shall stop from continuing the quarry activities]

[Provided that in case of leaseholders who are in the deemed extension period of the leases before 16-12-2013, they shall also deemed to be under extended period of not exceeding one year from 16-12-2013 and thereafter they shall stop the quarrying activity forthwith.]

[(2-B) The grant of quarrying lease to quarry ordinary sand shall be in accordance with the provisions of the Chapter IV-B [and Chapter II-A] of the rules.]

(3) Application received under sub-rule (1) and (2) shall be acknowledged in Form-A.”

9. In terms of Sub-rule(2) of Rule 21 of the 1994 Rules, every application for renewal of a lease to quarry non-specified minor mineral, is required to be filed on or before ninety days before expiry of the lease. However, the delay in filing the application for renewal of the lease can be condoned on payment of penalty, provided that it is made before the expiry of the lease.

10. It is contended by the learned counsel for the petitioner that the term of the lease expired on 30.12.2013 since it was granted with effect from 30.12.2003. However, we find no merit in the said contention. A copy of the lease deed is placed on

record. It expressly provides that it is valid for a term of ten years with effect from 30.12.2003. It is also material to note that the said lease was granted pursuant to the order passed by the Revisional Authority allowing the original lessee's application for renewal of the lease, which was granted on 30.12.1998 for five years. The said period of lease expired on 29.12.2003 and therefore was renewed for a further term from 30.12.2003. The contention that the first day of the lease, that is 30.12.2003, is required to be excluded from the term of the lease, is unsustainable as the term of initial lease, which was granted on 30.12.1998, expired on 29.12.2003. Therefore, the renewal term would commence on 30.12.2003. The term of ten years would expire on 29.12.2013. If the petitioner's contention that the first day of the lease, that is 30.12.2003, is required to be excluded, is accepted; there would be a gap of one day between the expiry of the earlier lease and its renewal. It is equally erroneous to suggest that the term of the lease would expire on 30.12.2013 as that would imply, the term of the lease was ten years and one day.

11. Since the term of the lease expired on 29.12.2013, the period of ninety days within which the application for renewal of the lease was required to be made, would necessarily have to

be reckoned from midnight on 29.12.2013. Since ninety days have to be calculated backwards from the end of the term of the lease, the starting point for calculating the said period would be from 12.00 AM on 29.12.2013, being the date of expiry of the said licence.

12. The petitioner relied upon a decision of the Division Bench of this Court in **M/s. Robo Silicon Limited v. State of Karnataka** and others [W.P.No.28148/2019] in support of his contention. In that case, the court held that the date on which the licence was to be expire was required to be excluded by virtue of Section 9 of the Mysore General Clauses Act, 1899 [**the 1899 Act**], which is *pari materia* Section 9 of the 1897 Act [General Clauses Act, 1897]. In that case, the licence for a stone crusher – which was granted to the petitioner under the Karnataka Regulation of Stone Crushers Act, 2011 – expired on 31.03.2019. The petitioner was required to make an application “three months before the expiry of the licence”. The petitioner had made an application on 01.01.2019. The question thus arose, whether the application was made three months before the expiry of the licence. In the aforesaid context, this Court held as under:

"8. As far as the first submission is concerned, going by sub-section (1) of Section 4 of the said Act of 2011, the period of three months has to be reckoned in backward direction from the date of expiry of the licence. There was one argument canvassed that the date of expiry of the licence will have to be treated as 1st April 2019 inasmuch as till the mid night of 31st March 2019, it cannot be said that the licence has expired.

The said argument does not appeal to us for the simple reason that the date of expiry of licence will have to be the last day of the subsistence of the licence. Therefore, the said date in the facts of the case will have to be necessarily 31st March 2019.

Thus, the period of three months has to be calculated in backward direction from 31st March 2019. In this context, the provisions of Section 9 of the said Act of 1899 are very relevant. Section 9 of the said Act of 1899 reads thus:

"9. Commencement and termination of time.—(1) In any Mysore Act or Karnataka Act made after the commencement of this Act, it shall be sufficient, for the purpose of excluding the first in a series of days or any other period of time, to use the word "from", and, for the purpose of including the last in a series of days or any other period of time, to use the word "to".

(2) This section applies also to all enactments made after the Third day of January, 1868."

9. The provision of Section 9 of the said Act of 1899 does refer to the word 'from' and the word 'to'. On plain reading of sub-section (1) of Section 9 of the said Act of 1899, to make the provision applicable, it is not necessary that the statute must use the word "from" and the word "to". Sub-section (1) of Section 9 of the said Act of 1899 has been incorporated for the purpose of excluding the first in a series of days and for the purpose of including the last in a series of days. The word "from" will have to be read into last part of sub-section (1) of Section 4 of the said Act, 2011. For computing the period of three months, the starting point is the date of expiry of licence and it is from the said date in the backward direction that the

period of three months will have to be counted. Hence, in view of Section 9(1) of the said Act of 1899, benefit will have to be given to the applicant by excluding 31st March 2019 and therefore, the computation of period of three months will have to be made from 1st April 2019 and the period of three months will expire on 2nd January 2020. Hence, the application filed on 1st January 2019 will have to be held as filed within the time frame provided in sub-section (1) of Section 4 of the said Act of 2011."

13. The aforesaid reasoning may be considered in determining the period for making an application under Rule 21 of the 1994 Rules. As noted above, in terms of Sub-rule (2) of Rule 21 of the Rules, 1994, the said application is required to be made "on or before ninety days before the expiry of the lease". This period of ninety days will include 29.12.2013, which was the last date of the term of the lease as explained by the Court in **M/s.Robo Silicon Limited** (*supra*). The period of ninety days cannot be calculated by concluding the last date of the lease. Therefore, 29.12.2013 would be the first day of the period of ninety days within which the application for renewal was required to be made. Thus, the application for renewal was required to be made on 01.10.2013 or prior to the said date. This is because if 29.12.2013 is considered as the first day, 01.10.2013 would be the 90th day before expiry of the lease. And, the application could be made on or before ninety days before expiry of the lease.

14. The petitioner had not made an application within the period as stipulated under Sub-rule (2) of Rule 21 of the 1994 Rules. However, the petitioner was entitled to make a delayed application on payment of penalty. The tabular statement as set out in the second proviso of Sub-rule (2) of Rule 21 of the 1994 Rules provided the amount of penalty. The maximum penalty as stipulated is 25% of the fee as payable, if the application for renewal was made after a delay of more than two months but before expiry of lease.

15. It is necessary to construe the meaning of the expression "before expiry of the lease" to determine the last day on which the application for renewal could be made on payment of the maximum penalty. As the last date of term of the lease was 29.12.2013, the lease would expire at midnight of the said date. Thus, the petitioner was also entitled to file his application for renewal during the business hours on 29.12.2013. However, the said day was a Sunday. Therefore, no application could be filed on 29.12.2013.

16. Section 10 of the 1899 Act is of some significance in the given facts. The said Section is set out below:

"10. Computation of time.- Where, by [any Mysore Act or Karnataka Act] made after the commencement of this Act, any act or proceeding is directed or allowed to be done or taken in any court or office on a certain day or within a prescribed period, then, if the court or office is closed on that day or the last day of the prescribed period, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the court or office is open:

Provided that nothing in this section shall apply to any act or proceeding to which the [Indian Limitation Act, 1908] applies."

17. It is clear from the plain language of Section 10 of the 1899 Act that where any act or proceedings is allowed to be done or taken in any court or office on certain day and if the court or office is closed on that day, the act shall be considered as done if it is done on the next day on which the court or office is open. The last date on which the petitioner could make an application with penalty was 29.12.2013. Since the same was a holiday, the petitioner could make the application on the day following, that is, on 30.12.2013. Thus, the contention that the petitioner's application for renewal was made after expiry of the said period, is unsustainable.

18. The next question to be examined whether the petitioner's revision application is liable to be dismissed under Sub-rule (1) of Rule 53 of the 1994 Rules. The translated copy

of the impugned order indicates that the delay in filing the revision application was allowed. However, it appears that the English translation of the impugned order is not correct. The revision application was also rejected on the ground that there was a delay of more than six years in filing the revision application.

19. Sub-rule (1) of Rule 53 of the Rules, 1994 permits the revision application to be made within a period of ninety days from the date of communication of the order dated 18.01.2014. It is the petitioner's case that the rejection order dated 18.01.2014 was not communicated to him. He had, thereafter, obtained a copy of the same by making an application under the RTI Act. The impugned order does not indicate that the said issue was considered by the Revisional Authority. There is also no material on record to establish that the order of rejection was communicated to the petitioner.

20. The petitioner has also produced his application for renewal which indicates that it was accompanied by two demand drafts [D.D.No.484562 dated 28.12.2013 for a sum of ₹2,000/- and D.D.No.48563 dated 28.12.2013 for a sum of ₹2,500/-]. Thus, *prima facie*, it appears that the petitioner had

also furnished the penalty along with his application for renewal.

21. In view of the above, we consider it apposite to set aside the impugned order and remand the matter to the Revisional Authority to consider it afresh bearing in mind the aforesaid observations.

22. The petition is disposed of in the aforesaid terms.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(C M JOSHI)
JUDGE**

KPS