



2024:JHHC:35832-DB

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No. 4131 of 2022**

M/s. Maa Durga Stone Works, Pakur through its Proprietor Soumitro Ghosh Petitioner

Versus

The State of Jharkhand through its Secretary, Department of Industries, Mines and Geology, Ranchi & Ors. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Mr. Ankit Kumar, Advocate

Mrs. Aakansha Mittal, Advocate

For the Respondents : Mr. Mohan Kumar Dubey, AC to AG

I.A. No. 7928 of 2022

03/14.09.2022 The present interlocutory application has been filed for stay of the operation of the impugned letter as contained in memo no. 1154/M dated 08.06.2022 (Annexure-6 to the writ petition) issued by the District Mining Officer, Pakur.

Learned counsel for the petitioner submits that before issuance of the impugned letter dated 08.06.2022, the petitioner had been paying royalty for removal of boulders from the leasehold area @ Rs.374 per 100 cubic feet (i.e., Rs.132 per cubic meter). However, merely on the basis of the details obtained from JIMMS Portal of the Department of Mines and Geology, Government of Jharkhand that particular quantity of boulders was sent to stone crusher for manufacturing of chips, the District Mining Officer, Pakur vide the impugned letter dated 08.06.2022, has directed the petitioner to make payment of the differential amount of royalty @ Rs.708 per 100 cubic feet (i.e., Rs.250 per cubic meter). It is further submitted that charging of two different rates for removal of boulders from the leasehold area on the basis of its end use is illegal and contrary to law. It is also submitted that in a similar case being W.P.(C) No. 2362/2022, a Bench of this Court vide order dated 25.05.2022 has granted an interim order in favour of the petitioner of the said case by staying operation of the similar letter issued by the District Mining Officer, Pakur.

Considering the said submission, the operation of the impugned letter as contained in memo no. 1154/M dated 08.06.2022 (Annexure-6 to the writ petition) issued by the District Mining Officer,



Pakur shall remain stayed till the next date of listing.

I.A. No. 7928 of 2022 stands disposed of.

W.P.(C) No. 4131 of 2022

The present writ petition has been filed for quashing the letter as contained in memo no. 1154/M dated 08.06.2022 (Annexure-6 to the writ petition) issued by the District Mining Officer, Pakur whereby the petitioner has been directed to make payment of the differential amount of Royalty, D.M.F.T, Environmental Cess and Income Tax on the sole ground that the stone boulder excavated from the mines of the petitioner has been transported to a stone crusher for production of stone chips, however, paid less amount with regard to prescribed rate under the aforesaid heads, being wholly illegal, arbitrary and beyond the scope of the Jharkhand Minor Mineral Concession Rules, 2004 [hereinafter referred to as 'the Rules, 2004']. Further prayer has been made for quashing the notification dated 16.09.2019 (Annexure-2 to the writ petition) by which Schedule-2 of the Rules, 2004 has been amended to the extent of a higher rate of royalty and @ Rs.250/- per cubic meter has been prescribed for boulder, gravel and shingle which are used for making chips. In alternative to the above prayer, the petitioner has prayed for declaration that the rate of royalty fixed @ Rs.250/- per cubic meter in respect of mineral for making stone chips cannot be applied to such mining lessees, who are not having processing unit/crusher plant within their leasehold area.

Mr. Mohan Kumar Dubey, AC to AG appearing on behalf of the respondents, prays for and is allowed four weeks' time to seek instruction and file counter affidavit.

Put up this case along with W.P.(C) No. 2362/2022 and other analogous cases.

(Rajesh Shankar, J.)

Manish