



IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 3826 of 2022

2024:JHHC:35832-DB

M/s Sukhi Stone Works, Pakur, through its proprietor, Rajoo Sheikh

..... Petitioner

Versus

The State of Jharkhand, through its Secretary, Department of Industries, Mines and Geology, Ranchi & Others

..... Respondents

CORAM

HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner: Mr. Sumeet Gadodia

For the Respondents: Mr. Ashish Kumar, A.C to G.A-II

03/20.10.2022 The present writ petition has been filed for quashing the letter as contained in memo No. 959/M dated 12.05.2022 (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 the 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.708/- per hundred cubic feet i.e. @ Rs.250/- per cubic meter has been prescribed for boulder, gravel and shingle which are used for making stone chips. In alternative to the above prayer, the petitioner has prayed for declaration that the rate of royalty fixed @ Rs.708/- per hundred cubic feet i.e. @ 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.

I.A. No. 7294/2022



2024:JHHC:35832-DB

The present interlocutory application has been filed for stay operation of the impugned letter as contained in memo No. 959/M dated 12.05.2022 issued by the District Mining Officer, Pakur.

Learned counsel for the petitioner submits that before issuance of the impugned letter dated 12.05.2022, the petitioner had been paying royalty for removal of boulders from the leasehold area @ 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 stone chips, the District Mining Officer, Pakur vide the impugned letter dated 12.05.2022, has directed the petitioner to make payment of royalty @ Rs.708/- per hundred 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.

Mr. Ashish Kumar, learned A.C to G.A-II 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.

The operation of the impugned letter as contained in memo No. 959/M dated 12.05.2022 issued by the District Mining Officer, Pakur shall remain stayed till the next date of listing.

The present interlocutory application stands disposed of.