

ITEM NO.1502
(for judgment)

COURT NO.5

SECTION IV-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).19166/2017

(Arising out of impugned final judgment and order dated 01-06-2017 in CWP No. 20986/2016 passed by the High Court of Punjab & Haryana at Chandigarh)

M/S SUNDER MARKETING ASSOCIATES

Petitioner(s)

VERSUS

THE STATE OF HARYANA & ORS.

Respondent(s)

Date : 11-08-2017 This petition was called on for pronouncement of judgment today.

For Petitioner(s) Mr. Aditya Soni, Adv.
Mr. Shree Pal Singh, AOR

For Respondent(s) Mr. Anil Grover, AAG
Mr. Satish Kumar, Adv.
Mr. Sanjay Kumar Visen, Adv.
Mr. Sushil Balwada, AOR

Hon'ble Mr. Justice Madan B. Lokur pronounced the judgment of the Bench comprising His Lordship and Hon'ble Mr. Justice Deepak Gupta with the following directions:

"33.Keeping in view the prayer made:

- (i) We permit the petitioner to continue its mining operations till 30th November, 2017 in accordance with the Mining Plan. On or before that date, it shall ensure implementation of the mine closure plan to the satisfaction of the concerned authorities in the State of Haryana.

- (ii) The petitioner will be under an obligation to continue paying the dead rent or royalty whichever is higher till 30th November, 2017 regardless of whether it ceases its mining operations before that date or not.
- (iii) The petitioner shall ensure that all the dues (including wages etc.) of all the persons (including labour) employed in the mining operations in terms of Rule 56(10) of the Rules are paid to the satisfaction of the concerned authorities in the State of Haryana. To ensure that the employees and labour (casual or otherwise) are not left in the lurch, the petitioner is restrained from alienating or transferring or otherwise creating any charge or encumbrance on the equipment and machinery and all other moveable property in the lease area and connected with the mining operations (such as trucks, excavators etc.) so that there is no difficulty in recovery of dues.
- (iv) All the laws applicable to the petitioner shall be strictly enforced by the State Government regardless of its apparent influence in high places. We make it clear that we will hold the Chief Secretary of the State of Haryana responsible for any lapse in this regard.

- (v) It is not clear whether or not the security deposit of Rs. 28.75 crores has been refunded to KJSL or the petitioner. If the refund has not been made, it is deemed to have been forfeited to the State and is not adjustable against any dues of the petitioner."

The petition for special leave filed by the petitioner is disposed of on the above terms and the judgment and order of the High Court is modified to the above extent. No costs.

(SANJAY KUMAR-I)

AR-CUM-PS

(Signed reportable judgment is placed on the file)

(SHARDA KAPOOR)

ASSISTANT REGISTRAR