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ITEM NO.36

COURT NO.5

SECTION X

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

RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s).1014/2016

GRASIM INDUSTRIES LTD. AND ANR.

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.

Respondent(s)

(With appln.(s) for ad-interim ex-parte stay and directions and dismissal of writ petition on behalf of Respondent No.3 and permission to file additional documents and Office Report)

Date : 09/05/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Mahesh Agarwal, Adv.

Ms. Neeha Nagpal, Adv.

Mr. Rishabh Parikh, Adv.

Mr. E. C. Agrawala, AOR

For Respondent(s) Mr. A.K. Panda, Sr. Adv.

Mr. Vibhu Shanker Mishra, Adv.

Mr. G.S. Makker, Adv.

Mr. Anupam Lal Das, AOR

Mr. Anirudh Singh, Adv.

Mr. Krishanu Barua, Adv.

UPON hearing the counsel the Court made the following

O R D E R

The dispute in this petition is with regard to some payments to be made to the District Mineral Foundation. The Foundation was the subject of an Ordinance promulgated on 12.01.2015. The Ordinance later on became an Act on 27.03.2015 with retrospective effect from 12.01.2015.

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The contention of learned counsel for the petitioners is that the District Mineral Foundation was actually established on 22.12.2015 in Chhattisgarh, 28.07.2016 in Madhya Pradesh and 01.09.2016 in Maharashtra. The contention of learned counsel for the petitioners is that the payments to the District Mineral Foundation are required to be made from the aforesaid dates. Reliance is placed on an interim order passed by this Court in Writ Petition (C) No. 1028/2016 and Writ Petition (C) No. 201/2017. In view of the above, the interim orders passed in those cases will enure to the benefit of the petitioners in the present case as well. However, we may note at this stage that it appears to us prima facie that the petitioners will be liable to deposit the amount in the District Mineral Foundation w.e.f. 12.01.2015 (the date of Ordinance). However, this is a matter that will need to be decided after hearing the respondents.

Issue notice returnable on 11.07.2017.

Tag with WP (C) Nos. 1028/2016 and 201/2017.

We may also note that the petitioner(s) in this petition is a purchaser of coal and not the holder of the mining lease.

On the oral request of learned counsel for the petitioners, Union of India through the Secretary,

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Ministry of Mines and the States of Madhya Pradesh and Chhattisgarh are impleaded as respondents.

Amended memo of parties be filed within a week.

Notice may be issued to the newly impleaded respondents.

(SANJAY KUMAR-I)
AR-CUM-PS

(SHARDA KAPOOR)
COURT MASTER