

ITEM NO.24

COURT NO.5

SECTION XI

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). 16685/2017

(Arising out of impugned final judgment and order dated 29-03-2017 in WCN No. 8716/2017 passed by the High Court Of Judicature At Allahabad)

M/S SHANTI GOPAL CONCAST LTD.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION and I.R.)

Date : 14-08-2017 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. C.L. Pandey, Sr. Adv.
Mr. Sachin Mittal, AOR
Ms. Ananya Pandey, Adv.

For Respondent(s)

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.

The contention of learned counsel for the petitioner is that the District Mineral Foundation was actually established much later. The contention of learned counsel for the petitioner is

that the payments to the District Mineral Foundation are required to be made from the later date. 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 petitioner in the present case as well.

However, we may note at this stage that it appears to us *prima facie* that the petitioner 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 in four weeks.

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

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

As far as the dispute about National Mineral Exploration Trust (NMET) is concerned, the High Court may take a view on that and there is no stay in that regard.

(OM PARKASH SHARMA)
AR CUM PS

(SHARDA KAPOOR)
ASSISTANT REGISTRAR