

www.ecourtsindia.com

www.ecourtsindia.com

www.ecourtsindia.com

www.ecourtsindia.com

It has been informed by Mrs. Ritu Kumar, President of Advocates Association, High Court of Jharkhand that lawyers are abstaining from the Court work today as per the resolution taken in the General Body meeting of the said Association.

The present writ petition has been filed for quashing the letter as contained in memo No. 941/M dated 12.05.2022 (Annexure-2 to the writ petition) issued by the respondent no. 4 – 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'].

I.A. No. 5586 of 2022 has been filed for stay of operation of the impugned letter as contained in memo No. 941/M dated 12.05.2022 issued by the respondent no. 4.

According to the petitioner, it had been paying royalty for removal of boulders from the leasehold area @ Rs. 132 per cubic meter (Rs. 374/- per hundred cubic feet) before issuance of impugned

letter dated 12.05.2022. 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 impugned letter dated 12.05.2022, has directed the petitioner to make payment of royalty @ Rs.250 per cubic meter (Rs.708/- per hundred cubic feet). The petitioner has further contended in the writ petition 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. Moreover, 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.

The respondents are directed to file counter affidavit within four weeks.

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. 941/M dated 12.05.2022 issued by the respondent no. 4 shall remain stayed till the next date of listing.

I.A. No. 5586 of 2022 stands disposed of.

(Rajesh Shankar, J.)

Manish