

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W. P. (C) No. 7318 of 2017

M/s Hindalco Industries Limited **Petitioner**
Versus
State of Jharkhand and others **Respondents**

CORAM : HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR

For the Petitioner(s) : Mr. Indrajit Sinha, Adv.
Mr. Ashish Prasad, Adv.
Mr. V.K. Dubey, Adv.
Ms. Mukta Dutta, Advocate
For the State : Mr. Ajit Kumar, AG
Mr. Atanu Banerjee, G.A.
Mr. Chanchal Jain, JC to AG

07/02.02.2018 I.A. No. 543 of 2018 [in W.P.(C) No. 7318 of 2017]

This application has been filed purportedly on behalf of the respondents seeking exemption from complying with the direction issued to the Secretary, Department of Industries, Mines and Geology, Government of Jharkhand, Ranchi-respondent no. 2 to ensure compliance of the direction issued to the Assistant Mining Officer/District Mining Officer to issue challans for the mine which is involved in this writ petition, however, from the affidavit sworn by one Niranjana Prasad, Assistant Mining Officer, Lohardaga it does not appear that the Secretary, Department of Industries, Mines and Geology has authorised him to file this application.

The learned Advocate-General submits that this application was required to be filed, for the Secretary was directed to file its compliance report by 15.01.2018 and in the meantime, the State has preferred Letters Patent Appeal No. 31 of 2018 with an application for stay of the directions issued vide order dated 12.01.2018 (I.A. No. 606 of 2018). It is submitted that this application has been filed under Article 226 of the Constitution of India read with Section 151 CPC.

Prima-facie, this application appears to be frivolous. By an order dated 12.01.2018, a similar application vide I.A. No. 231 of 2018 filed in W.P.(C) No. 7286 of 2017 was dismissed observing that “a strange application has been filed”.

It is stated that Letters Patent Appeal is posted for hearing on 07.02.2018.

Let this application be posted along with the Main matter. Response may be filed by the writ petitioner.

I.A. No. 521 of 2018 [in W.P.(C) No.7318 of 2017]

For not issuing Transit Challans, the stand taken by the respondents is that deposit of Rs. 35 crores on 16.01.2018 by M/s Hindalco Industries Limited is against the demand of Rs. 103 crores raised for the mine which was involved in W.P.(C) No. 7286 of 2017. This stand has been taken by the respondents on the basis of the statement in paragraph no. 1 of order dated 17.01.2018 passed in L.P.A. No. 10 of 2018.

The learned counsel for the petitioner, however, submits that the petitioners have filed details of payment of Rs. 35 crores which would disclose that amounts were paid in different accounts totalling about Rs. 35 crores and while so, the respondents are not justified in not issuing Transit Challans for other mines also.

This fact that about Rs. 35 crores has been deposited by M/s Hindalco Industries Limited is not disputed by learned Advocate-General, however, he defends the stand of the State.

If it is the stand of the respondents that on payment of "some" amount against the demand raised Transit Challans shall be issued, I see no reason why Transit Challans for other mines in which account payment has been made by M/s Hindalco Industries Limited cannot be issued. Still, as informed to this Court that the Letters Patent Appeals filed by the State of Jharkhand are coming for hearing on 07.02.2018, the parties may seek clarification on this issue from the Hon'ble Division Bench.

The response to this application may be filed on or before next date of hearing.

Post this application on 09.02.2018.

(Shree Chandrashekhar, J.)

Tanuj/-