

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8807 of 2009

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Birendra Kumar Singh, Son of Late Babuchand singh, Resident of Village-
Ugrabigha, P.O.- Jaipur, P.S.- Sasaram, District- Rohtas.

.... Petitioner

Versus

1. The State of Bihar
2. The Secretary-cum-Commissioner, Department of Mines, Government of Bihar, Patna.
3. The District Magistrate, Rohtas at Sasaram.
4. The District Mines Officer, Rohtas at Sasaram.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate
For the State : Mr. Meera Singh, AC to AAG-13.
For the Mines : Mr. Rajendra Prasad, Spl. P.P. (Mines)

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

8 20-01-2015 The petitioner submits that amendment of Schedule-II and Rule, 26 (1) (b) of the Bihar Mineral Concession Rules, 1972 by which the royalty rate of boulder, gravel and Shingle used for making chips has been reduced from Rs. 100/- per cubic meter to Rs.50/- per cubic meter would adversely affect him and he should be duly compensated by modifying the lease amount.

2. The apprehension of the petitioner is misconceived in view of the counter affidavit of the Mines Department contained in paragraph no.13, which is quoted herein below:

“It is stated that Schedule-II of Bihar Minor Mineral Concession Rules, 1972 is applicable on the stone quarry which was granted under Rule 9 of Rules, 1972 and existing mining laws. The petitioner has

taken stone quarry by way of auction under Rules 52 read with Rule 9A of Bihar Minor Mineral Concession Rules, 1972. Hence, the auction amount and royalty of excess quantity of stone is royalty of stone mineral. The Schedule-II as contained under Rule 26(1)(b) of the Rules, 1972 is not applicable in respect of stone.”

3. In view of the counter affidavit filed by the Mines Department, the amendment would not affect the petitioner’s right to charge royalty at the rate of Rs. Rs. 100/- per cubic meter, as he was granted Stone quarry under Rule 52 of the Bihar Minor & Mineral Concession Rules, 1972 and not under Rule 9, which is effected by amendment.

4. Apart from this, I further find that the petitioner entered contract in the year 2004, whereas amendment was effected in the year 2006 which otherwise also would not have affected petitioner’s case.

5. This application stands disposed of.

(Samarendra Pratap Singh, J.)

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