

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

WP(C).No. 9193 of 2015 (Y)

PETITIONER(S):

**M/S.WIMROCK GRANITE (P) LTD.,
THEKKUMALA, VADASSERIKKARA.P.O.,
PATHANAMTHITTA DISTRICT,
REPRESENTED BY ITS MANAGING DIRECTOR,
RAJU K. THOMAS.**

**BY ADVS.SRI.HARISANKAR V. MENON
SMT.MEERA V.MENON**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE DIRECTOR,
DIRECTORATE OF MINING AND GEOLOGY,
PATTOM PALACE.P.O., KESAVADASAPURAM,
THIRUVANANTHAPURAM-695 004.**
- 3. SENIOR GEOLOGIST,
MINING & GEOLOGY DISTRICT OFFICE, MINI CIVIL STATION,
ARANMULA, PATHANAMTHITTA DISTRICT-689 533.**

R BY SENIOR GOVERNMENT PLEADER SRI. JOSEPH GEORGE.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
24-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AD/

WP(C).No. 9193 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: COPY OF NOTIFICATION IN SRO NO. 38/2008 PUBLISHED BY
THE GOVT. OF KERALA.**

EXHIBIT P2: COPY OF AFFIDAVIT EXECUTED BY THE PETITIONER.

EXHIBIT P3: COPY OF THE LETTER ISSUED BY THE 2ND RESPONDENT.

EXHIBIT P3(A): COPY OF FORM S ISSUED BY THE 2ND RESPONDENT.

EXHIBIT P4: COPY OF LETTER ISSUED BY THE 3RD RESPONDENT.

**EXHIBIT P5: COPY OF NOTIFICATION IN SRO NO. 18/2015 PUBLISHED BY
GOVERNMENT OF KERALA.**

EXHIBIT P6: COPY OF APPLICATION FILED BY THE PETITIONER.

EXHIBIT P7: COPY OF THE OBJECTION FILED BEFORE THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

AD/

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 9193 of 2015

Dated this the 24th day of March, 2015

JUDGMENT

The petitioner is mainly aggrieved of the enhancement of the 'consolidated royalty' from 5.01.2015 by virtue of the amendment of the KMMC Rules, 2015 brought into force as per Ext.P5 (G.O.(P) NO.1/2015/IB). The 'consolidated royalty' has been enhanced in the case of the petitioner to an unconscionable extent. The petitioner has been served with Ext.P4 notice dated 27.02.2015 to satisfy the amount of ₹27,00,000/-, which made the petitioner to approach this Court by filing this writ petition. It is also stated that the petitioner has already filed Ext.P7 statement of objections in response to Ext.P4, which however is still to be acted upon.

2. Heard the learned Government Pleader as well.

3. During the course of hearing, the learned counsel for the petitioner submits that, Ext.P5 amendment does not have any retrospective effect and the same will come into effect only after the date of notification and as such, the liability of the petitioner

can only be from 5.1.2015 to 31.3.2015 which according to the petitioner is only to the tune of ₹6.75 lakhs.

4. After hearing both the sides, the writ petition is disposed of directing the 3rd respondent to consider Ext.P7 objection in response to Ext.P4 and pass appropriate orders after affording an opportunity of hearing to the petitioner at the earliest, at any rate, within 'six weeks' from the date of receipt of a copy of this judgment. Coercive proceedings, if any shall be kept in abeyance till such time, subject to satisfaction of the admitted liability of ₹6.75 lakhs (1/4th of the amount payable as per the amendment), to be effected within 'ten days' from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 3rd respondent for further steps.

**P.R. RAMACHANDRA MENON,
JUDGE.**