

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

WP(C).No. 9534 of 2015 (N)

PETITIONER:

**M/S.AMITY ROCK PRODUCTS PVT.LTD.,
CHUNKAPARA, MALAPPALLY, PATHANAMTHITTA,
REPRESENTED BY ITS MANAGING DIRECTOR,
ABRAHAM K. THOMAS.**

**BY ADVS.SRI.PHILIP J.VETTICKATTU
SRI.B.PREMNATH (E)**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY,
INDSTRIES (A) DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM, PIN-695001.**
- 2. THE DIRECTOR OF MINING AND GEOLOGY,
GOVERNMENT OF KERALA, KESAVADASAPURAM, PATTOM P.O.,
THIRUVANANTHAPURAM PIN-695001.**
- 3. THE GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY, DISTRICT OFFICE,
CIVIL STATION, ERNAKULAM KAKKANAD, KOCHI-682 030.**

R1 TO R3 BY (SR) GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

vmr.

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF PROCEEDINGS DATED 29.3.2014 OF THE 2ND RESPONDENT GRANTING REGISTRATION.

EXT.P2: TRUE COPY OF FORM 'S' REGISTRATION OF THE UNIT AS A METAL CRUSHER UNIT.

EXT.P3: TRUE COPY OF AFFIDAVIT GIVEN BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P4: TRUE COPY OF GOVERNMENT ORDER DATED 5.1.2015 REVISING THE ROYALTY RATE.

EXT.P5: TRUE COPY OF NOTICE DATED 27.2.2015 ISSUED BY THE 3RD RESPONDENT.

EXT.P6: TRUE COPY OF OBJECTION SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT AGAINST EXT.P5 DATED 19.3.2015.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A.TO JUDGE

vmr

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.9534 of 2015

Dated this the 25th 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.P4 (G.O.(P) NO.1/2015/ID). The 'consolidated royalty' has been enhanced in the case of the petitioner to an unconscionable extent. The petitioner has been served with Ext.P5 notice dated 27.02.2015 to satisfy the amount of ₹24,00,000/-, 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.P6, 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.P4 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 lakhs. The learned counsel also

submits that, the petitioner is not challenging the rule and as to the liability to satisfy the due amount for the year 2015.2016 is also recorded.

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.P5 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 in respect of the year 2014.2015 shall be kept in abeyance till such time, subject to satisfaction of ₹6 lakhs, to be effected within 'ten days' from the date of receipt of a copy of this judgment. Application for renewal of registration shall be considered, subject to satisfaction of 25% of the enhanced consolidated royalty for the year 2015-2016.

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

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE.

sp