

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

WP(C).No. 10946 of 2015 (P)

PETITIONER(S):

**METRO AGGREGATES AND SAND INDIA PRIVATE LIMITED,
PRAVACHAMBALAM, NEMOM, THIRUVANANTHAPURAM
REPRESENTED BY ITS MANAGING DIRECTOR, THOMAS PHILIP.**

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

RESPONDENT(S):

- 1. THE STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY
INDUSTRIES (A) DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM-695 001.**
- 2. THE DIRECTOR OF MINING AND GEOLOGY
GOVERNMENT OF KERALA, KESAVADASAPURAM, PATTOM P.O.
THIRUVANANTHAPURAM-695 004.**
- 3. THE GEOLOGIST
DEPARTMENT OF MINING AND GEOLOGY, DISTRICT OFFICE
THIRUVANANTHAPURAM-695 004.**

BY SENIOR GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1. TRUE COPY OF THE PROCEEDINGS DATED 30/3/2014 OF THE 2ND
RESPONDENT GRANTING REGISTRATION.**
- EXT.P2. TRUE COPY OF S FORM REGISTRATION OF THE UNIT AS A METAL
CRUSHER UNIT.**
- EXT.P3. TRUE COPY OF GOVERNMENT ORDER DATED 5/1/2015 REVISING THE
ROYALTY RATE**
- EXT.P4. TRUE COPY OF NOTICE DATED 9/3/2015 ISSUED BY THE 3RD
RESPONDENT**
- EXT.P5. TRUE COPY OF OBJECTION SUBMITTED BY THE PETITIONER BEFORE
THE 3RD RESPONDENT AGAINST EXT.P4 DATED 25/3/2015.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.10946 of 2015

Dated this the 1st day of April, 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.P3 (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 09.03.2015 to satisfy the amount of ₹26,00,000/-, which made the petitioner to approach this Court by filing this writ petition. It is also stated that the petitioner has already filed Ext.P5 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.P3 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 ₹6,50,000/- (Rupees Three lakhs sixty two thousand five hundred only).

4. After hearing both the sides, the writ petition is disposed of directing the 3rd respondent to consider Ext.P5 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 ₹6,50,000 /- (Rupees Six lakhs fifty thousand only), 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.

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

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