

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.4848 of 1994
Date of Decision:-1.2.2016.

M/s Urban Improvement Company (Private) Ltd.

.....Petitioner

Versus

The Secretary to Government of India, Ministry of Mines and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Vineet Soni, Advocate for the petitioner.

Ms. Kirti Singh, DAG, Haryana.

SURYA KANT, J. (ORAL)

1.) The petitioner-Company has laid challenge to the orders dated 4.2.1986 and 28.8.1987 passed in respect of recovery of royalty and value of minerals said to have been extracted by it while constructing road etc. on the land for which licence was granted to it to develop that land as an 'urban area' under the Haryana Development and Regulation of Urban Areas Act, 1975 (in short 'the 1975 Act'). The impugned orders have been passed by the Authorities under the provisions of Mines and Minerals (Development and Regulation) Act, 1957 (in short 'the 1957 Act') read with the

Rules framed thereunder.

2.) The question whether a Builder-cum-Developer who is Licensee under the 1975 Act can be made liable to pay royalty or value of the minor minerals excavated from its own land while developing it under the licence has been effectively gone into by a co-ordinate Bench in CWP No.8159 of 2011 decided on 31.5.2013 **(Eros City Developers Private Ltd. and others Versus State of Haryana and others)**. The Division Bench though rejected the contention that a licensee under the 1975 Act would be exempted from the rigors of 1957 Act or the Rules framed thereunder for the *bona fide* use of the minor minerals extracted from its own land but on the question of determination of the quantity of the extracted minor minerals or the value thereof, the matter was remitted to the Financial Commissioner-cum-Principal Secretary to State Government, Mines and Geology Department.

3.) The issue in the case in hand being identical, we respectfully follow the view taken by this Court in **Eros City Developers Private Limited and others (supra)** and adopting the same recourse, remit the case to the Financial Commissioner-cum-Principal Secretary, Department of Mines and Geology, Government of Haryana for the purpose of re-determination of the petitioner's liability in accordance with law.

4.) Ordered accordingly.

5.) The petitioner is directed to appear before the Financial

Commissioner-cum-Principal Secretary, Department of Mines and Geology, Government of Haryana on 01.03.2016.

6.) The Authority shall also ensure that the Department provides requisite information that may be needed by the petitioner to plead its case before the learned Financial Commissioner-cum-Principal Secretary, Department of Mines and Geology, Government of Haryana.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

February 1, 2016.

sandeep sethi