

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.7007 of 2016 (O&M)
DATE OF DECISION: 12.04.2016

M/s Jaswant Rai Verma

....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Anand Chhibbar, Senior Advocate with
Mr. Gaurav Mankotia, Advocate for the petitioner

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S.J. VAZIFDAR, ACTING CHIEF JUSTICE (Oral):

The petitioner himself contends that the Punjab Minor Mineral Rules, 2013, provides for three appeals under Rule 87. The petitioner contends that it has exhausted two remedies, namely, appeal before the State Geologist and before the Director. On the basis of the submissions made on behalf of the petitioner, an appeal lies to the Government against the order of the Director. We see no reason then to entertain this writ petition.

2. It was contended that the State Geologist wrongly rejected the appeal on the ground that the petitioner had failed to deposit the amount in accordance with Rule 87, which reads as under:-

"No appeal shall be entertained by the appellate authority unless such appeal is accompanied by satisfactory proof of payment of the royalty and price of minor minerals;

Provided that if such authority is satisfied that the assessee is unable to pay the royalty or the price of the minor minerals, or both, he may for reasons to be recorded in writing entertain the appeal

without the royalty or the price of the minor minerals or both having been paid."

3. The petitioner contends that the impugned order-Annexure P/21 passed by the Director Mining, rejecting the appeal, does not take into consideration the petitioner's justification seeking exemption from depositing the amount under Rule 87. The exemption is sought on the basis of an application dated 28.10.2015 (Annexure P/19). The application is vague and devoid of any particulars whatsoever. Only a bald statement is made that due to financial constraints the petitioner is unable to deposit the royalty amount with the department and that he was living hand to mouth and not keeping good health and was under treatment at PGI. The petitioner has not furnished any details of his financial condition. Nor has he furnished any details regarding his illness and treatment. The petitioner must make an appropriate application giving particulars. The only indulgence we are inclined to show to the petitioner is to direct the authorities to consider the application for exemption afresh in the event of appropriate particulars being furnished including documents, such as, the income-tax returns, medical papers and disclosing on affidavit his entire list of assets.

4. The petition is accordingly disposed of in the aforesaid terms and relegating the petitioner to an alternate remedy that he claims he has. Assuming that the petitioner's submission is not well-founded, namely that a second and a third appeal are not available, the petitioner can always make a fresh application for exemption before the original authority itself.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

12.04.2016
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(ARUN PALLI)
JUDGE