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HIGH COURT OF CHHATTISGARH, BILASPUR**W.P(C) No.149 of 2016**

Bharat Aluminium Company Limited Company Registered Under The Companies Act, 1956 Having Its Registered Office At Aluminium Sadan, Core 6, Scope Office Complex, 7- Lodhi Road, New Delhi & Its Aluminium Manufacturing Plant At P. O. Balconagar, Korba District Korba (Chhattisgarh)

---- **Petitioner****Versus**

1. Union Of India Through The Cabinet Secretary, Cabinet Secretariat, Rashtrapati Bhawan, New Delhi 110004
2. The Secretary, Ministry Of Mines, Government Of India, Shastri Bhawan, New Delhi 110001
3. State Of Chhattisgarh, Through The Secretary, Department Of Mines & Minerals, Mantralaya, Mahanadi Bhawan Naya Raipur (Chhattisgarh)
4. Collector (Mining Branch), Kabirdham District (Chhattisgarh)

---- **Respondents****And****W.P(C) No.155 Of 2017**

Century Cement Proprietor Century Textiles & Industries Ltd. Having Its Head Office At Industry House, 159 Churchgate Reclamation, Mumbai 400020 And Manufacturing Unit At P. O. Baikunth 493 116. Civil And Revenue District Raipur (Chhattisgarh)

---- **Petitioner****Vs**

1. Union Of India Through The Secretary, Ministry Of Coal, Shastri Bhawan, New Delhi.
2. The Secretary, Ministry Of Mines, Government Of India, Shastri Bhawan, New Delhi 110 001
3. State Of Chhattisgarh, Through The Secretary, Department Of Mines And Minerals, Mantralaya, Mahanadi Bhawan, Naya Raipur (Chhattisgarh)
4. South Eastern Coalfields Limited, (A Subsidiary Of Coal India Ltd.) Registered Office At Vasant Vihar, Seepat Road, Bilaspur (Chhattisgarh) Through Its Chairman & Managing Director

---- **Respondents****And****W.P(C) No.179 Of 2016**

Century Cement Proprietor Century Textiles & Industries Ltd. Having Its Head Office At Industry House, 159 Churchgate Reclamation, Mumbai 400020 And

Manufacturing Unit At P. O. Baikunth 493116, Civil And Revenue District Raipur (Chhattisgarh).

---- **Petitioner**

Vs

1. Union Of India Through The Cabinet Secretary, Cabinet Secretariat, Rashtrapati Bhawan, New Delhi 110004
2. The Secretary, Ministry Of Mines, Government Of India, Shastri Bhawan, New Delhi 110001
3. State Of Chhattisgarh Through The Secretary, Department Of Mines & Minerals, Mantralya, Mahanadi Bhawan Naya Raipur (Chhattisgarh).
4. South Eastern Coalfields Limited, (A Subsidiary Of Coal India Ltd.) Registered Office At Vasant Vihar, Seepat Road, Bilaspur (Chhattisgarh) Through Its Chairman & Managing Director.
5. Collector, (Mining Branch), Raipur, District Raipur (Chhattisgarh).

---- **Respondents**

And

W.P(C) No. 378 Of 2016

Monnet Ispat & Energy Ltd. A Company Incorporated Under The Companies Act 1956, Having Its Registered Office At Monnet Marg, Mandir Hasaud P.S. Mandir Hasaud, District Raipur Chhattisgarh And A Corporate Office At 11, Masjid Moth, Greater Kailash Part II, P.S. C.R. Park, New Delhi, New Delhi, Throug Its Authorised Signatory P.K.S. Baghel

---- **Petitioner**

Vs

1. Union Of India Through Its Secretary, Ministry Of Mines, Shastri Bhawan New Delhi,
2. The Secretary, Ministry Of Coal, Shastri Bhawan, New Delhi,
3. State Of Chhattisgarh, Through The Secretary, Department Of Mines & Mineral Developments Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh
4. The Collector, District Raigarh Chhattisgarh
5. South Eastern Coalfields Limited, Through Chairman Cum Managing Director, Seepat Road, Bilaspur Chhattisgarh
6. Chief General Manager, South Eastern Coalfields Limited, Raigarh Area, District Raigarh Chhattisgarh
7. Area Sales Manager, Department Of Area Sales & Marketing South Eastern Coalfields Lintied, Raigarh Area, District Raigarh Chhattisgarh

---- **Respondents**

And

W.P(C) No.292 Of 2017

Orient Paper & Industries Ltd. A Company Registered Under The Provisions Of Companies Act, 1956, Through Its Authorised Signatory, Ramesh Kumar Mohta, S/o. Late Shri Kishan Lal Mohta, Aged About 60, R/o. E-2, O P M

Colony, Amlai, District Shahdol (Madhya Pradesh). Having Its Paper Manufacturing Unit At Orient Paper Mills, P. O. Amlai Paper Mills, District Shahdol (Madhya Pradesh)- 484117

---- **Petitioner**

Vs

1. Union Of India Through The Principal Secretary, Law & Legislative Department, Ministry Of Law & Justice, Shastri Bhawan, New Delhi.
2. Ministry Of Coal, Government Of India, Through The Joint Secretary, Shastri Bhawan, Dr. Rajendra Prasad Road, New Delhi.
3. State Of Chhattisgarh, Through The Secretary, Mineral Resource Department, Indrawati Bhawan, Block- 4, Second Floor, Naya Raipur (Chhattisgarh)
4. South Eastern Coalfields Ltd. Through The General Manager, Seepat Road, Bilaspur (Chhattisgarh) 495 006

---- **Respondents**

And

W.P(C) No.388 Of 2016

Lafarge India Private Limited A Company Incorporated Under The Companies Act, 1956, Having Its Registered Office At Equinox Business Park, Tower-3, East Wing, 4th Floor, Off- Bandra Kurla Complex, L B S Marg, Kurla (West), P.S. Kurla, Mumbai 400070, (Maharashtra)

---- **Petitioner**

Vs

1. Union Of India Through: Secretary, Ministry Of Mines, Government Of India, Shastri Bhawan, Dr. Rajendra Prasad Road, New Delhi, Pin 110001
2. The State Of Chhattisgarh, Through: Secretary, Department Of Mines & Minerals, Government Of Chhattisgarh, Mahanadi Bhawan, Mantralaya, Naya Raipur, Civil & Revenue District Raipur, (Chhattisgarh)
3. Deputy Director, Mineral Administration, District Baloda Bazar- Bhatapara, (Chhattisgarh)
4. Collector (Mining Branch) , District Baloda Bazar- Bhatapara, (Chhattisgarh)
5. Collector (Mining Branch), District Janjgir Champa, (Chhattisgarh)

---- **Respondents**

And

W.P(C) No.486 Of 2017

M/s Shyam Metalics & Energy Ltd. A Company Duly Incorporated Under The Provisions Of The Companies Act, 1956 Having Its Registered Office At Trinity Tower, 7 Floor, 83, Tapsia Road, Kolkata 700046 (West Bengal)

---- **Petitioner**

Vs

1. Union Of India Through Its Secretary, Ministry Of Mines, Government Of India, Shastri Bhawan, Dr. Rajendra Prasad Road, New Delhi 110001
2. State Of Chhattisgarh, Through Secretary, Mineral Resources Department,

Government Of Chhattisgarh, Mahanadi Bhavan, Mantralaya, Naya Raipur,
Civil & Revenue District Raipur, (Chhattisgarh) Pin 492002

3. South East Coalfields Ltd., Through Its C M D, S E C L, Headquarter, Seepat Road, Bilaspur, (Chhattisgarh)

---- Respondents

And

W.P(C) No.628 Of 2016

M/s Sarda Energy & Minerals Ltd. A Company Duly Incorporated Under The Provisions Of The Companies Act, 1956 Having Its Corporate Office And Works At Industrial Growth Centre, Phase-1, Siltara, Raipur, (Chhattisgarh)

---- Petitioner

Vs

1. Union Of India Through Its Secretary, Ministry Of Mines, Government Of India, Shashtri Bhawan, Dr. Rajendra Prasad Road, New Delhi 110001
2. State Of Chhattisgarh, Through Secretary, Mineral Resources Department, Government Of Chhattisgarh, Mahanadi Bhavan, Mantralaya, Naya Raipur, Civil & Revenue District Raipur, (Chhattisgarh) Pin 492002
3. National Mineral Development Corporation Ltd., A Government Of India Enterprise, Having Its Registered Office At Khanji Bhawan, 10-3-31/ A, Castle Hills, Masab Tank, Hyderabad 500028 (Andhra Pradesh), Through Its Chairman Cum Managing Director.
4. General Manager (Commercial), National Mineral Development Corporation Ltd., A Government Of India Enterprise, Having Its Registered Office At Khanji Bhawan, 10-3-3/ A, Castle Hills, Masab Tank, Hyderabad 500028 (Andhra Pradesh)

---- Respondents

And

W.P(C) No.1601 Of 2016

M/s Satguru Sai Mines Pvt. Ltd. A Company Duly Incorporated Under The Provisions Of The Companies Act, 1956 Having Its Corporate Office And Works Bear Ram Motors, By Pass Road, Sangitari, Raigarh 496001 (Chhattisgarh)

---- Petitioner

Vs

1. Union Of India Through Its Secretary, Ministry Of Mines, Government Of India, Shashtri Bhawan, Dr. Rajendra Prasad Road, New Delhi 110001.
2. State Of Chhattisgarh, Through Secretary, Mineral Resources Department, Government Of Chhattisgarh, Mahanadi Bhavan, Mantralaya, Naya Raipur, Civil & Revenue District Raipur (Chhattisgarh) Pin 492002
3. Directorate Of Geology & Mining, Through Its Director, Indravati Bhavan, Block 4, Second Floor, Naya Raipur (Chhattisgarh)
4. Deputy Director (Mineral Administration), Raigarh (Chhattisgarh)
5. Collector, Raigarh, Chhattisgarh.

---- Respondents

And

W.P(C) No.2805 Of 2016

M/s Agrasen Mines And Minerals Pratnersip Firm Duly Registered Under The Partnership Cat, Through Its Partner Subhash Agrawal, S/o Shri Shyamlal Agrawal, Age 45 Years, R/o 28 Kalindikunj, Raigarh, Distirct Raigarh Chhattisgarh

---- Petitioner

Vs

1. Union Of India Thorough Its Secretary, Ministry Of Mines Government Of India, Shastri Bhavan, Dr. Rajendra Prasad Road, New Delhi, 110001
2. State Of Chhattisgarh Through Mineral Resource Department, Government Of Chhattisgarh, Mahanadi Bhavan, Mantralaya Naya Raipur, Pin 492002 Civil & Revenue District Raipur Chhattisgarh
3. Directorate Of Geology & Mining, Through Its Director, Indravati Bhavan, Block 4, Second Floor, Naya Raipur, Distirct Raipur Chhattisgarh
4. Deputy Director, (Mineral Administraiton) Raipur Distirct Raipur Chhattisgarh
5. Collector, Raigarh, Distirct Raigarh Chhattisgarh

---- Respondents

And

W.P(C) No.2889 Of 2016

1. Jindal Steel Power Limited Having Its Registered Office At- O. P. Jindal Marg, Hisar, Haryana Also At : P B # 16, Kharsia Road, Police Station Raigarh 469001 Chhattisgarh. Through Its Authorized Signatory (Mr. Indrapreet Singh)
2. Mr. Hemant Verma Shareholder In Petitioner No. 1 Company S/o B. K. Verma, Aged About 52 Years R/o M I G- 1, Housing Board Colony, Boirdadar Road, South Chakradhar Nagar, Raigarh (Chhattisgarh)

---- Petitioners

Vs

1. Union Of India Through Chief Secretary Ministry Of Coal Shastri Bhawan, New Delhi 110 001.
2. State Of Chhattisgarh Thorugh Collector Mineral Resources Department Mahanadi Bhawan, Naya Raipur Chhattisgarh
3. South Eastern Coalfields Limited, Office Of The Chief General Manager, Raigarh Area P.B. No 27, P.O. Raigarh, Distirct Raigarh Chhattisgarh

---- Respondents

And

W.P(C) No.2882 Of 2016

1. Jindal Power Limited Haing Its Registered Office At P.O. Tamnar Distirct Raigarh Chhattisgarh 496107 Also Having Its Authorized Signatory Mr. Ajay Agrawal, Associate Vice President Jindal Power Ltd.
2. Mr. Rajeev Bhadauria, / Shareholder, S/o Shri Rupendra Narain Singh Bhadauria, Age 56 Years, R/o 1132, Pocket- A, Vasant Kunj, New Delhi

---- **Petitioners**

Vs

1. Union Of India Thorough Chief Secretary, Ministry Of Coal Shastri Bhawan, New Delhi, 110001
2. State Of Chhattisgarh Thorough Collector Mineral Resources Department Mahanadi Bhawan, Naya Raipur Chhattisgarh
3. South Eastern Coalfields Limited, Office Of The Chief General Manager, Raigarh Area P.B. No 27, P.O. Raigarh, Distirct Raigarh Chhattisgarh

---- **Respondents**

And

W.P(C) No.2892 Of 2016

1. Nalwa Steel & Power Limited Havind Its Registered Office At 28, Najafgarh Raod, New Delhi-110015, Also At: P.B. No. 7, Gharghoda Raod, Taraimal, Raigarh, -496001, Chhattisgarh Through Its Authoried Signatory Mr. S K Soni, Agm, Raw Material In Nalwa Steel & Power Limited Raigarh, Chhattisgarh
2. Mr. S. S. Rathi, S/o Shri Lakhmir Singh Rathi Aged About 53 Years Director In Nalwa Steel & Power Limited, Raigarh, Chhattisgarh

---- **Petitioners**

Vs

1. Union Of India Through Chief Secretary, Ministry Of Coal Shastri Bhawan, New Delhi- 110001
2. State Of Chhattisgarh, Through Collector, Miniral Resources Department Mahanadi Bhawan, Naya Raipur, Chhattisgarh
3. South Eastern Coalfields Limited, Office Of The Chief General Manager, Raigarh Area, P.B. No. 27, P.O. Raigarh, District Raigarh, Chhattisgarh 496001

---- **Respondents**

And

W.P(C) No.465 Of 2017

J K Lakshmi Cement A Company Duly Incorporated Under The Provisions Of The Companies Act Having Its Office And Works At Malpurikhurd Khasdih, Ahiwara, Tahsil Dhamdha, District Durg, (Chhattisgarh)

---- **Petitioner**

Vs

1. Union Of India Through Its Secretary, Ministry Of Mines, Government Of India, Shastri Bhawan, Dr. Rajendra Prasad Road, New Delhi- 110001
2. State Of Chhattisgarh, Through Secretary, Mineral Resources Department, Government Of Chhattisgarh, Mahanadi Bhavan, Mantralaya, Naya Raipur, Civil & Revenue District Raipur, (Chhattisgarh) Pin 492002
3. Collector, (Mining Section), District Durg (Chhattisgarh)

W.P(C) No.2594 of 2016

Ambuja Cements Limited Company Incorporated Under Companies Act,

1956, Having Its Corporate Office At Elegant Business Park, M I D C Cross Road B Off Andheri- Kurla Road, Andheri (E), Mumbai 400059 And Registered Office At P.O. Ambuja Nagar, Taluka- Kodinar, Distt Geer Somnath (Gujrat) And Having Its Manufacturing Unit At Village & Post Rawan, District Bhatapara Baloda Bazar (Chhattisgarh) Through Its Authorized Signatory.

---- **Petitioner**

Versus

1. Union Of India Through The Secretary, Ministry Of Mines, Shastri Bhawan, New Delhi
2. State Of Chhattisgarh, Through The Secretary, Department Of Mines & Minerals, Mantralaya, Mahanadi Bhawan, Naya Raipur, (Chhattisgarh)
3. Director, Mines & Minerals, Indrawati Bhawan, IInd Floor, D- Block, Naya Raipur, (Chhattisgarh)
4. Collector, (Minig Branch), District Baloda Bazar (Chhattisgarh)

----**Respondents**

W.P(C) No. 2824 of 2016

M/s Harsh Minerals Through Its Proprietor Sushil Mittal, S/o Shri Narayhan Mittal, Aged About 46 Years, R/o Near Punjab National Bank, Bidpara, Raigarh, District Raigarh, (Chhattisgarh)

---- **Petitioner**

Versus

1. Union Of India Through Its Secretary, Ministry Of Mines, Government Of India, Shastri Bhavan, Dr. Rajendra Prasad Road, New Delhi- 110001
2. State Of Chhattisgarh, Through Mineral Resource Department, Government Of Chhattisgarh, Mahanadi Bhavan, Mantralaya, Naya Raipur, Pin 492002, Civil & Revenue District Raipur, (Chhattisgarh)
3. Directorate Of Geology & Mining, Through Its Director, Indravati Bhavan, Block 4, Second Floor, Naya Raipur, District Raipur, (Chhattisgarh)
4. Deputy Director, (Mineral Administration) Raigarh, District Raigarh, (Chhattisgarh)
5. Collector, Raigarh, District Raigarh, (Chhattisgarh)

---- **Respondents**

For Respective Petitioners:	Shri Ashish Shrivastava along with Shri Animesh Verma, Ankit Singhal, Sunil Otواني, Amrito Das, Rahul Sharma, Malay Shrivastava and Shri Manay Nath Thakur, Advocates.
For Respondent/SECL:	Shri Vaibhav Shukla, Advocate.
For Respondent/Union of India:	Shri B. Gopa Kumar, Assistant Solicitor General.
For Respondent/State:	Shri Prafull N. Bharat, Additional Advocate General.

Hon'ble The Chief Justice
Hon'ble Shri Justice Sanjay Agrawal
Order on Board

Per Thottathil B. Radhakrishnan, Chief Justice
24/11/2017

1. We have heard learned Counsel for the respective Petitioners, learned Counsel for the Central Government and learned Additional Advocate General in the light of the judgment of the Hon'ble Supreme Court of India rendered on 13.10.2017 in ***Federation of Indian Mineral Industries & ors. vs. Union of India & Anr. [W.P.(C) No.989/2016 & other connected matters]***, rendered making reference to the judgment in ***Commissioner of Income Tax (Central) – I v. Vatika Township Private Limited, (2015) 1 SCC 1***.
2. The aforesaid bunch of Petitions, considered by the Hon'ble Supreme Court, related to establishment of District Mineral Foundation (DMF) under the Mines and Minerals (Development and Regulation) Act, 1957 (for brevity 'the MMDR Act') and the contribution required to be made to the DMF by the holder of the mining license of the prospecting license-cum-mining lease in addition to the payment of royalty. The Apex Court concluded in the matter of ***Federation of Indian Mineral Industries & ors. vs. Union of India & Anr.*** (supra) as follows:-

“Conclusion

46. Having considered the issues raised by the petitioners and by the learned Additional Solicitor General in different perspectives, we hold: (i) Merely because the DMFs have been established or are deemed to have been established from a date prior to the issuance of the relevant notifications does not make their operation retrospective. (ii) In any event, the establishment of the DMFs (assuming the establishment is retrospective) from 12th January, 2015 does not prejudicially affect any holder of a mining lease or a prospecting license-cum-mining lease. (iii) In view of the failure of the Central Government to prescribe the rate on 12th January, 2015 at which contributions are required to be made to the DMF, the contributions to the DMF cannot be insisted

upon with effect from 12th January, 2015. Fixing the maximum rate of contribution to the DMF is insufficient compliance with the law laid down by the Constitution Bench in **Vatika**. (iv) Contributions to the DMF are required to be made by the holder of a mining lease or a prospecting license-cum-mining lease in the case of minerals other than coal, lignite and sand for stowing with effect from 17th September, 2015 when the rates were prescribed by the Central Government. (v) Contributions to the DMF are required to be made by the holder of a mining lease or a prospecting license-cum-mining lease in the case of coal, lignite and sand for stowing with effect from 20th October, 2015 when the rates were prescribed by the Central Government or with effect from the date on which the DMF was established by the State Government by a notification, whichever is later. (vi) The notification dated 31st August, 2016 issued by the Central Government is invalid and is struck down being *ultra vires* the rule making power of the Central Government under the MMDR Act.”

3. The aforesaid decision essentially required the State Government to recognize their responsibilities and utilize the contributions to the District Mineral Funds quickly and effectively to secure the objects sought to be achieved by the constitution of such funds, having particular regard to the fact that huge amounts are involved or would contribute to such funds. The Apex Court granted time till 31.12.2017 for those holders of the mining lease to make full contribution to the DMF in terms of that judgment.

4. In the light of the aforementioned, in terms of Article 141 of the Constitution of India, the law laid through the aforesaid judgment in **Federation of Indian Mineral Industries & ors. vs. Union of India & Anr.** (supra) being binding on all States, we are of the view that it is abundantly necessary that the State Government gives effect to the terms of that judgment. This can be effectively carried out, as of now, by the State Government classifying this bunch of cases on the basis of different cut off dates that would apply for making contribution to the DMF concerned, applying the principles stated in **Federation of Indian Mineral Industries & ors. vs. Union of India & Anr.** (supra). It is directed that this shall be done. The State Government shall also, immediately, take up the question of any modification to the existing

rules as may be required, to ensure conformity with the law laid by the Apex Court in ***Federation of Indian Mineral Industries & ors. vs. Union of India & Anr.*** (supra). Any such modulation ought to be brought into force immediately and further action in terms of this judgment shall be rendered and carried forward as regards all these writ petitions so as to do the needful within the time limit prescribed by the Hon'ble Supreme Court of India in the Judgment of ***Federation of Indian Mineral Industries & ors. vs. Union of India & Anr.*** (supra). No demand notice impugned by the Petitioners in these writ petitions will be enforced before the Government takes decision in this regard. After such exercise is carried out, any claim for adjustment will be addressed by the competent authority in accordance with law. It is clarified that this decision shall not stand in the way of the State raising any demand for remittance towards the DMF in terms of the MMDR Act as enunciated and in conformity with the law laid in ***Federation of Indian Mineral Industries & ors. vs. Union of India & Anr.*** (supra). All such demands would be enforceable following compliance of the directions contained herein. These writ petitions are ordered accordingly.

5. The parties are directed to make appearance in the Office of Secretary, Government of Chhattisgarh, Department of Mines and Minerals by 11.00 A.M on 30.11.2017 so that the said Office can expedite the required action to carry out the needful within the time limit prescribed by the Hon'ble Supreme Court of India in the case of ***Federation of Indian Mineral Industries & ors. vs. Union of India & Anr.*** (supra).

Sd/-
(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-
(Sanjay Agrawal)
JUDGE