

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.13946 of 2009

ORDER:

Heard Smt.N.Shoba for petitioners and the Assistant Government Pleader for Mines and Geology.

The petitioners pray for the following relief :-

“..... to issue an order or writ one in the nature of Writ of Mandamus, declaring the action of the respondents in collecting excess royalty than the prescription under Schedule - II, Item No.5(b) of Mines & Minerals (Development & Regulation) Act, 1957 for transportation of Mineral laterite (low grade) from the leased areas of the petitioners and not refunding the excess amounts of royalty paid till date as arbitrary, illegal, unjust, unconstitutional contrary to Mines & Mineral (Development & Regulation) Act, 1957 and Mineral Concession Rules, 1960”

Smt.Shoba appearing for petitioners submits that this Court by order dated 15-07-2009 permitted the petitioners to represent to 3rd respondent on the grievance of 4th respondent collecting and recovering excess royalty from petitioners. The 3rd respondent was directed to examine and dispose of the representation, keeping in view the tariff prescribed by the Act from time to time. She further fairly states that the 3rd respondent through Circular Memo No.33451/MR/2013 dated 26-04-2014 issued appropriate directions for collection of royalty *ad valorem* basis and finalize mineral revenue assessments.

Adverting to the case on hand, on the written instructions made available by the Assistant Government Pleader (Industries and Mines), she submits that insofar as 2nd petitioner is concerned, the Department has accepted excess collection of royalty and the excess collection is adjusted in the transport permits issued subsequently. As regards petitioners 1 and 3 are concerned, by referring to the written instructions, she submits that the Department admits recovery of excess royalty and is contemplating to adjust after verifying the dues the Department is claiming against these petitioners. She draws the attention of the Court to the written note forwarded by 4th respondent, which reads thus :-

“After revising the Mineral Revenue Assessments, this office issued dispatch permits to the petitioner Smt.G.Suvarnalatha being adjusting the excess royalty amount of Rs.9,13,938/- for a quantity of 30,950 MT of Laterite. Further, the other (02) petitioners i.e., Sri Sinath Goud and M/s.NC.H.K.Minerals both being lease holders were not issued dispatch permits against the excess royalty amounts for the reason that demand notice were issued for committing certain violations of TSMMC Rules, 1966. Therefore the excess royalty amounts are still in their credit which will be adjusted against the quantities mentioned in the form-K (i.e., application for dispatch permits), after disposal of the demand issued.”

From the above, she submits that the cause complained in the writ petition is substantially worked out and these petitioners may be given liberty to request 4th respondent for verification of

mineral revenue assessment and given details from petitioners perspective for proper assessment.

The statement is placed on record.

The petitioners, if still are aggrieved by the mineral revenue assessment made by 4th respondent, are given liberty to represent to respondents 3 and 4, who in turn will examine and do the needful.

With the above observation, the writ petition is disposed of.
No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 08-02-2017
Prv



S. V. BHATT, J

