

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1072 of 2018

In
Civil Writ Jurisdiction Case No.5393 of 2018

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M/s Aditya Multicom Private Limited, a company incorporated under the provisions of the companies Act, 1956 having its registered office at 12 Waterloo Street, 2nd Floor, Kolkata- 700069, through its Authorized Signatory, Kamlesh Gaurav @ Kamlesh Gouraw, Son of Shri Surendra Singh, resident of D/ 139, Keshari Nagar, P.O. Rajeev Nagar, P.S. Rajeev Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner-cum-Principal Secretary, Department of Mines and Geology Vikas Bhawan, Bailey Road, Patna- 800001.
2. The Joint Secretary-cum-Director, Directorate of Mines and Geology, Bihar, Vikas Bhawan, Bailey Road, Patna.
3. The District Magistrate- cum-Collector, Aurangabad.
4. The District- Magistrate-cum-Collector, Rohtas, Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi
For the Respondent/s : Mr. Gyan Prakash Ojha - GA 7

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-04-2018 Heard learned counsels for the parties.

The present M.J.C. application has been filed for modification of the order dated 28.3.2018 passed in C.W.J.C. No. 5393 of 2018 to the extent of extending the period of deposit of export premium charges.

The factual matrix of the case is that the writ application was filed for a direction to the respondent authorities not to levy the export premium charges upon inter-state sale of the mined sand and to issue transit pass/e-Challan for inter-State



sale without levy of export premium. Further prayer was made to adjust the amount of export premium being already paid by the petitioner and not to create any impediment for non-payment of export premium.

This Court, vide order dated 28.3.2018, after hearing learned counsel for the petitioner and learned Special P.P., Mines, permitted the petitioner to deposit the demand raised as export premium charges on inter-State sale within a period of one week and further the respondents were directed to issue e-Challan in terms of agreement of settlement. The said order was passed in view of the undertaking of the petitioner that he is ready to deposit the raised demand amount as stipulated in the 2nd Supplementary Affidavit under protest and if the writ application succeeds, the said deposited amount will have to be adjusted against the settled amount.

In pursuance to the said order, part amount was deposited but part amount could not be deposited, hence, the present MJC application has been filed for extension of the period of deposit of the part amount. However, it is submitted by learned counsel for the petitioner that now the entire payment so far as the demand raised by respondent authorities as stipulated in Annexure 7 to the 2nd Supplementary Affidavit filed



in CWJC No. 5393 of 2018 is concerned, has been deposited. Hence, learned counsel for the petitioner is not pressing this MJC application.

Mr. Naresh Dikshit, learned Special P.P., Mines submits that even if the Department of Mines has accepted the export premium charges with delay, that will not deprive the respondent authorities to realize interest over the delayed payment.

In view of the stand of learned counsel for the petitioner that he is not pressing the present MJC application since the payment of export premium charges have already been accepted by the respondent authorities, this Court is not inclined to express any opinion on the delayed deposit of export premium charges.

Accordingly, this MJC application is disposed of.

(Dinesh Kumar Singh, J)

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