

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20638 of 2012

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SPML Infra Limited (formerly known as Subhash Projects and Marketing Limited), having its registered Office at F-27/2, Okhla Industrial Area, Phase-II, New Delhi- 110 020, and its Regional Office at 22, Camac Street, Block-A, 3rd Floor, Kolkata 700016

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Mines and Mineral Department, Government of Bihar, Patna.
2. District Magistrate- Cum- Collector, Jamui, Bihar.
3. Mining Development Officer, Jamui, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Y. G. Giri, Sr. Advocate Mr. Harsh Singh, Advocate Mr. Kamal Kishor Singh, Advocate
For the Mines Department:		Mr. Naresh Dikshit, Spl. PP, Mines Mr. Sumit Shekhar Pandey, AC to Spl. PP, Mines

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
CAV JUDGMENT
Date : 11-07-2019

This writ application has been filed for issuance of appropriate order/direction/writ in the nature of *certiorari* or any other appropriate writ for setting aside the order dated 4th April, 2012 (Annexure-9) passed by the Principal Secretary, Mines and Minerals Department, Government of Bihar, Patna, (Respondent No.1) whereby revision preferred against the order dated 08.03.2010 (Annexure-5) raising demand against the Petitioner has been dismissed.

2. Petitioner is a Company incorporated under the Companies Act, 1956, presently known as “SPML Infra Limited”



formerly known “Subhash Projects & Marketing Limited” having its registered Office at F-27/2, Okhla Industrial Area, Phase-II, New Delhi- 110 020, and Regional Office at 22, Camac Street, Block-A, 3rd Floor, Kolkata- 700 016, and carries on business *interalia* as a construction and infrastructure developer. The Petitioner was awarded a contract in the year 2007 by the Central Public Works Department for determination of State Highway in the State of Bihar under *Rashtriya Sam Vikas Yojana (RSVY)* Package No.19A in the District of Jamui, Bihar. The aforesaid work awarded to the Petitioner was successfully completed by way of construction and widening of considerable portion of Jamu-Jhajha-Chakai to Jharkhand border of the State Highway.

3. In order to ensure timely completion of the project and quality of stone chips, the Petitioner installed a Crusher at its project site after obtaining permission from the Mining Development Officer, Jamui, and for such purposes, application for obtaining permission was made before the District Magistrate, Jamui, and the Circle Officer, Chakai, which was granted. The Petitioner under a mistaken advice obtained permission on 11th December, 2007, from the Mining Development Officer, Jamui, under Rule 7 of the Bihar Minerals (Prevention of Illegal, Transportation and Storage) Rules, 2003.



4. The Petitioner had paid an amount of Rs.3,25,000/- on account of license fee for the purpose of obtaining the said permission dated 11th December, 2007. Thereafter, till the year 2008, the Petitioner had been duly making payment of Rs.5,000/- per year as renewal fee.

5. On 8th October, 2009, the Petitioner obtained a requisite 'No Objection Certificate' from the Bihar State Pollution Control Board. No Objection Certificate mistakenly mentioned capacity of installed Crusher as 80 MT per day in place of 80 MT per hour. Such mistake was, however, rectified by letter dated 15th October, 2009, issued by the Bihar State Pollution Control Board.

6. In spite of such rectification in the said Certificate issued by the Bihar State Pollution Control Board, the Respondent No.3 by letter dated 26th October, 2009, purported to allege that the Petitioner had deliberately understated capacity of the Crusher as 80 MT per day and called upon the Petitioner to submit all documents to justify the actual capacity of the Crusher. It has been submitted on behalf of the Petitioner that said letter suffered from material irregularity and is based on incorrect facts and no reliance can be placed thereon. Xerox copy of the letter dated 26th October, 2009, is enclosed as Annexure-4 to the writ application.



7. The period of license has duly expired on 2008, but almost two years thereafter, the letter dated 8th March, 2010, was issued to the Petitioner requiring him to deposit a sum of Rs.83.41 lac being the differential deficit amount of the duty upon fresh duty being assessed by the Department of Mines and Minerals, Government of Bihar towards license fee. Xerox copy of the notice of demand dated 8th March, 2010, is enclosed as Annexure-5 to the writ application.

8. The Petitioner submits that aforesaid notice is illegal, null and void and entirely without jurisdiction. The Petitioner does not carry on business as a mining leaseholder nor does it own any mines wherefrom stone boulders can be extracted. The Petitioner is not a miner within the definition of the stockiest under Rules 2003. The Petitioner does not carry on mining of major minerals at all and, therefore, is not at all required to obtain the stockiest license as required under Rule 7 of the said Rules, 2003.

9. License obtained by the Petitioner in the year 2007 was under mistaken advice and the same had even expired in 2008 at the time when the said demand has been issued at the instance of Respondent No.3 demanding the differential amount of the duty assessed on the license granted to the Petitioner. The Petitioner



does not qualify to be granted a license within the meaning of Rule 7 of the said Rules.

10. Counsel for the Petitioner has submitted that in view of fact that Petitioner does not qualify or entitle itself to be granted a license, the competent authority does not have the jurisdiction or authority to make any demand upon the Petitioner for payment of differential duty assessed on the basis of license already granted. The grant of license itself was illegal and, therefore, there can be no question of assessment of duty on the basis of license illegally issued or granted to the Petitioner, who does not qualify to be granted such license within the meaning of Rule 7 of the said Rules.

11. The Petitioner had entered into an agreement with one Mr. Pankaj Kumar to procure stones for the aforesaid purpose from the mining leasehold area owned by the said Mr. Pankaj Kumar situated at Paharpur, District- Deoghar.

12. The Petitioner had paid ownership charges to the said Mr. Pankaj Kumar and also handed him over the royalty for the stones so procured for the purpose of construction of the aforesaid road and compliance of the agreement with regard to compliance of work awarded by CPWD.



13. The Petitioner obtained stones of specific size and shape i.e. measuring about 500 MM in diameter from the aforesaid mining leasehold area owned by the said Pankaj Kumar for the purpose of using in the installed Crusher at the Project Site only after segregating the same from the rest of the stones extracted from the said mine, which did not confirm with the aforesaid specification.

14. The Petitioner obtained stones of requisite size and shape only after the same had been subjected to initial processing, which includes segregation and other necessary steps and in no way the aforesaid stones so obtained by the Petitioner can be termed as Minerals for the reasons aforesaid. The Petitioner used the aforesaid stones of specific size and shape in the Crusher installed at the project site for the purpose of manufacturing stone chips, which, in turn, had been used exclusively for the construction of the aforesaid State Highway.

15. Learned counsel for the Petitioner has submitted that in the aforesaid circumstances the Petitioner does not carry on the business of major minerals and in no way comes under the stipulations laid down by the provisions of Mines & Minerals (Development & Regulation) Act, 1957, and specifically under Section 23C of the said Act and any rules framed thereunder



including Rule 7 of the Bihar Minerals (Prevention of Illegal, Transportation and Storage) Rules, 2003.

16. The Petitioner, in view of the demand being made by the competent authority, filed revision petition challenging the said demand dated 8th March, 2010. The Petitioner also filed supplementary Affidavit explaining, in detail, the nature of business carried on by the Petitioner before the revisional authority, which would demonstrate that the Petitioner does not fall within the ambit of Rule 7 so as to qualify for obtaining a license as required under the said Rules. The respondent authorities have filed an objection to the said revision application in which reliance has been placed upon the capacity of the Crusher as 80 MT per hour which is the correct capacity of the Crusher as would appear from the record and also the rectification letter issued by the Bihar State Pollution Control Board. The Respondent No.1 after hearing the parties has rejected the aforesaid revision application.

17. Counsel for the Petitioner has submitted that revisional authority had not averted to the specific issues raised by the Petitioner that the Petitioner was not qualified and was not entitled to be issued license in the first place and consequently thereof the question of additional demand being levied upon the



Petitioner for grant of such license, which in any event had expired by efflux of time also does not arise.

18. Counsel for the Petitioner submits that order passed by the revisional authority is wholly silent with regard to case of non-applicability of the said Rule 7 to the Petitioner and wrongful issuance of license in favour of the Petitioner as submitted in the said revision petition. The revisional authority did not address the issued raised by the Petitioner to the effect that demand of additional duty is wholly illegal and without jurisdiction in view of total non-applicability of the said Rule 7. The impugned order erroneously proceeds on the basis that the Mining Development Officer, Jamui, had not obtained approval of the State Government at the time of issuance of the license and merely because there was some delay in determining the security deposit amount by the State Government, the Petitioner cannot derive benefit out of the same and would have to make payment of fixed security deposit amount.

19. Counsel for the Petitioner has submitted that question of payment of security deposit amount would arise only after the Petitioner qualifies for grant of the said license as prescribed by Rule 7 of the said Rules. The authority concerned without coming to any finding regarding applicability of Rule 7 to the Petitioner or



that the license issued in favour of the Petitioner was rightly issued and the authority was competent to grant such license to the Petitioner could not have levied a demand for payment of the security deposit amount upon the Petitioner. The basis of the demand contained in the notice dated 8th March, 2010, was challenged by the Petitioner by filing revision application, which was non-fixation of security deposit amount at the time of issuance of license and determination of security deposit amount subsequently.

20. Counsel for the Petitioner has submitted that determination of security deposit amount is wholly illegal and arbitrary in view of the fact that the Petitioner does not qualify to be granted a license under Rule 7 of the said Rules and in absence of the Petitioner qualifying for grant of such license, the determination of the security deposit amount payable by the Petitioner is wholly without jurisdiction, null and void and fit to be set aside.

21. Detailed Counter Affidavit has been filed on behalf of Respondent Nos.2 and 3.

22. It has been submitted in the Counter Affidavit filed on behalf of Respondent Nos.2 and 3 that Petitioner-Company was granted stone stockiest license by the Collector, Jamui, on the



basis of crushing capacity of plant as 80 MT per day for a period of two years only as will be apparent from Annexure-2 to the writ application. Later on, the Bihar State Pollution Control Board issued a letter to the context that earlier by mistake 80 MT per day was mentioned and, accordingly, rectified the capacity of the plant as 80 MT per hour vide Letter No. T-1068 dated 15.10.2009 (Annexure-3 to the writ petition). As the capacity of the crusher machine drastically enhanced it has caused heavy loss of revenue to the State Government. Therefore, action was initiated by the Mining Development Officer, Jamui, and relevant papers were asked for from the Petitioner but the same was not provided. Since license has been granted on much lesser fee taking into account the capacity of the crusher machine as 80 MT per day instead of 80 MT per hour, finally the concerned authority decided to enhance the fee on the basis of capacity of the plant as 80 MT per hour and, accordingly, the balance amount towards fee was asked to deposit, which the Petitioner did not pay and filed a revision case in Mines Commissioner's Court as Revision Case No.09 of 2010, which was heard after giving proper and sufficient opportunity and by a reasoned order the same was dismissed on 04.04.2012.

23. It is mentioned in the Counter Affidavit that the stock license was granted to the Petitioner-Company on the basis of



crushing capacity of the Crusher Plant as 80 MT per day for the period of two years. Subsequently, the Bihar State Pollution Control Board rectified the 'No Objection Certificate' in the unit of capacity of plant as 80 MT per hour vide Letter No.1068 dated 15.10.2009. It has caused heavy loss of revenue to the State Government. The reserved *jama* amount was fixed at the rate of 80 MT per hour for the Crusher of the Petitioner in accordance with Rule 7 (i)(d) of the Bihar Minerals (Prevention of Illegal, Transportation and Storage) Rules, 2003, and demand notice dated 08.03.2010 was served upon the Petitioner accordingly.

24. It has further been submitted in the Counter Affidavit that action of the Respondent No.3 i.e. the Mining Development Officer, Jamui, was correct as license granted earlier was based on the crushing capacity of the plant as 80 MT per day as mentioned in the 'No Objection Certificate' issued by the Bihar State Pollution Control Board and, as such, all the related documents were asked to be produced to look into the matter and take necessary steps. The 'No Objection Certificate' issued by the Bihar State Pollution Control Board (Annexure-2) was later on rectified vide Annexure-3 to the writ petition by saying that it was a mistake, but the Petitioner has also mentioned the capacity of the proposed Crusher plant as 80 MT per hour in his letter dated



30.07.2007 itself addressed to the authority for granting the said license. Xerox copy of the letter dated 30.07.2007 is annexed as Annexure- R/1 to the Counter Affidavit.

25. Demand has been raised by the Respondent No.3 in the light of the license fee decided by the Government and communicated to the Respondent No.3 and directed to realize the balance amount of license fee on the basis of crushing capacity as 80 MT per hour. The fee was decided by the Government, which is realizable. Petitioner is liable to pay the license fee based on the capacity of Crusher unit as decided by the competent authority under the Rules. Case of the Petitioner falls well within the purview of the Bihar Minerals (Prevention of Illegal, Transportation and Storage) Rules, 2003

26. The main issue involved in the present writ application is whether the Petitioner is liable to pay the fee at the rate of capacity of 80 MT per hour.

27. The revisional Court has held that difference amount of license fee is as per law and has been fixed by the competent authority as per rule in the light of capacity of the Crusher plant as 80 MT per hour as communicated by the Bihar State Pollution Control Board in the rectification letter. Fee is leviable as per the capacity and the capacity of the Petitioner's Crusher was much



higher and as such the demand was raised and the same has been affirmed by the revisional Court.

28. Having heard counsel for the parties, this Court finds that moot questions involved in this case is: (I) Whether Petitioner qualifies for grant of the said license as prescribed by Rules and (II) Whether Petitioner is liable to pay security deposit amount as per enhanced capacity of Crusher, which has been decided by the competent authority and affirmed by the revisional authority.

29. Main submission raised on behalf of the Petitioner is that license was obtained by the Petitioner under mistaken advice since the Petitioner does not fall within the scope of Bihar Minerals (Prevention of Illegal, Transportation and Storage) Rules, 2003. The Petitioner was awarded civil contract by the Central Public Works Department for construction and widening of the road from Jamui-Jhajha-Chakkai to Jharkhand border of the State Highway. For successful completion of the project within specified time period of the said assignment, the Petitioner required stone chips of particular size and for that the Petitioner had installed the Crusher at the site to get the stone chips for the said construction of the road. It was a mistake on the part of the Petitioner that it had applied for the license to set up the stone Crusher unit at the site and paid license fee and subsequently for renewal of the same. The



Petitioner is engaged in civil construction business and has been awarded civil construction works as aforesaid and in such circumstances, the Petitioner is not required to obtain any kind of license from the Respondent for setting up of Crusher at the site of construction.

30. Counsel for the Petitioner has submitted that application for grant of license by the Petitioner itself was a fault on the part of the Petitioner. Moreover, the said application being allowed was again a double fault on the part of the respondent authorities, who would have been more careful about the fact that the scope of work for which license had been applied for by the Petitioner does not fall within its jurisdiction. The demand itself for the balance amount of license fee by the respondent authorities is *malafide* and beyond the scope of their jurisdiction. It is denied that the differential amount of license fee as alleged or at all is payable by the Petitioner. The demand of the balance amount towards the license fee pursuant to the correction of the mistake by Respondent No.3 is wholly illegal, *malafide* and without jurisdiction.

31. Learned counsel for the petitioner has submitted that the Petitioner does not have business of mines, therefore, it had to enter into an agreement with Pankaj Kumar to procure stones of



required size and shape for civil construction as aforesaid. The stones obtained from the mining site of required size and shape are not minerals and the Petitioner is not the stockiest in terms of the definition as enumerated in the Act. The Petitioner obtained stones for the Crusher from a third party under agreement and has also paid ownership charges for procurement of such stones for the Crusher at the construction site. The Petitioner does not carry on the business of major minerals and in no way come under the stipulations laid down by the provisions of Mines & Minerals (Development and Regulation) Act, 1957, and specifically under Section 23-C of the said Act and any rules framed thereunder including the Bihar Minerals (Prevention of Illegal, Transportation and Storage) Rules, 2003. Section 23-C of the Act states the power of the State Government to make rules for preventing illegal mining, transportation and storage of minerals. Thus, it is clear that the Act and the Sections thereunder and the rules framed thereunder specifically deals with Minerals, its illegal mining, transportation and storage and has nothing to do with stones, which does not come within the term “Minerals” as enumerated in the said Act.

32. In reply to the aforesaid submission of the Petitioner, the Respondents have filed supplementary Counter Affidavit



stating that before enhancement of demand the Petitioner was asked to reply six relevant points vide Letter No.577 dated 11.12.2009 issued by the District Mining Officer, Jamui, concerning deposit of revenue for use of minor minerals in construction of Jamui-Chakai State Highway. The Petitioner was asked to provide details of minerals to be used as per agreement, copy of agreement, hour of automatic Crusher Machine having been operated, how much payment had been received, how much earth and moram was used. Xerox copy of the aforesaid letter dated 11.12.2009 issued by the District Mining Officer, Jamui, is enclosed as Annexure- R/2 to the Counter Affidavit.

33. The Petitioner did not provide details sought by the Mining Officer. It has used huge amount of minor minerals because the crushing license of the Petitioner had been corrected by the Bihar Pollution Control Board and he was allowed capacity of 80 MT per hour in place of 80 MT per day. Therefore, in terms of aforesaid change circumstances, the Petitioner was given notice contained in Memo No.144 dated 08.03.2010 to deposit Rs.83.41 after adjustment (Annexure-5 to the writ application).

34. It has been submitted on behalf of the Respondents that the Petitioner has used and consumed minor mineral of huge quantity and, thus, in the light of capacity of Crusher having been



enhanced from 80 MT per day to 80 MT per hour Petitioner has been charged enhanced fee. Enhanced fee is commensurate with and in proportion to the capacity of the Crusher. The Petitioner was earlier informed of lesser fee in the light of lesser capacity of Crusher.

35. The Petitioner was given notice and asked to furnish details vide Letter No. 472 dated 26.10.2009, which is enclosed as Annexure-4 to the writ application.

36. The Petitioner instead of giving reply to the notice preferred Revision Case No.09 of 2010 before the Mines Commissioner. He did not give any reply. The Respondents have submitted that demand of revenue from Petitioner is quite genuine, reasonable and in accordance with relevant rules.

37. In this respect, it is relevant to reproduce Rule 7(1) of the Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003, which is as follows:

“7. Storage of major mineral and minor mineral beyond lease hold area.--- (1) Every person who carries business of major minerals beyond any lease hold area shall obtain a stockiest license from the competent Officer or any Officer authorized by the State Government in form “C: of this rule.

Provided that for minor mineral the license under form ‘L’ except for stone in the form of boulders brought from outside the State of Bihar and from within the State of Bihar shall be obtained as per



the provision of Rule 49 of Bihar Minor Mineral Concession Rules, 1972.

Provided further that no person shall be permitted to erect, install or operate a stone crusher outside a lease hold area or stock stone mineral in any form outside the lease hold area for the purpose of being used by a stone crusher.”

38. Similarly, Section 49(1) of Bihar Minor Mineral Concession Rules, 1972, is quoted below:

“49. (1) Every person who carried business of minor minerals beyond any lease hold area shall obtain a licence from the Competent Officer in Form ‘L’, which shall be displayed at a conspicuous place of business and shall maintain proper accounts of purchase and sale of all such minerals in a register in form “Ga” which shall be produced before the Commissioner, Director of Mines and Additional Director of Mines or Deputy Director of Mines or competent Officer or any other officers authorized by the Government, for inspection. Every application for obtaining licence in Form “L” shall be accompanied with a fee of Rs.5000 (Five Thousand Rupees)

(a) Every such licence shall be valid for one calendar year;

(b) Every such licence may be renewed on application which shall be accompanied by a fee of Rs.1000 (One thousand Rupees)”.

39. Section 3 of the Bihar Minerals (Prevention of Illegal, Transportation and Storage) Rules, 2003, describes about prohibition on transportation of any ore/ minerals by any means from the place of raising, leasehold area or the area of stock of minerals to another place without being in possession of a valid transit pass issued by the competent Officer under the Rules.



40. Section 4 of the Bihar Minerals (Prevention of Illegal, Transportation and Storage) Rules, 2003, describes about transport of minerals.

41. In the instant case, Petitioner has taken plea that he had entered into agreement with Pankaj Kumar to procure stone of different size and shape for civil construction. The Petitioner was not the stockiest in terms of the definition as enumerated in the Act. The Petitioner obtained stones for the Crusher from a third party under agreement and also paid ownership charges for procurement of such stones for the Crusher at the construction site. From the revisional order as contained in Annexure-9, it appears that in terms of Rule 7(1)(d) of the Bihar Minerals (Prevention of Illegal, Transportation and Storage) Rules, 2003, there is provision to fix minimum security amount for storage and to fix the minimum reserve deposit with the recommendation of Collector.

42. Rule 7(1) clearly speaks that every person, who carries business of major minerals beyond any lease hold area shall obtain a stockiest license from the competent Officer or any Officer authorized by the State Government in form 'C' of the Rule.

Provided that for minor mineral the license under form 'L' except for stone in the form of boulders brought from



outside the State of Bihar and from within the State of Bihar shall be obtained as per the provision of Rule 49 of Bihar Minor Mineral Concession Rules, 1972.

43. Petitioner had, accordingly, applied for license for installation of Stone Crusher at its project site. License was, accordingly, granted. The authority fixed the reserve amount for the aforesaid license at Rs.3,25,000/- under mistaken consideration that capacity of the installed Crusher is 80 MT per day, which was later on rectified to 80 MT per hour as per rectification letter issued by Bihar State Pollution Control Board, dated 15.10.2009 (Annexure-3). Earlier, stock license was granted to the Petitioner-Company on the Crusher capacity of 80 MT per day for the period of two years. Subsequently, Bihar State Pollution Control Board vide his rectification letter dated 15.10.2009, unit of MT was rectified as 80 MT per hour in place of 80 MT per day. Thereafter, reserve amount was fixed for 80 MT per hour for the Crusher of the Petitioner in accordance with Rules 7(1)(d) of the Bihar Minerals (Prevention of Illegal, Transportation and Storage) Rules, 2003, and demand notice dated 8th March, 2010, was served upon the Petitioner.

44. This Court finds from the supplementary Counter Affidavit filed on behalf of the Respondents that before



enhancement of reserve amount the Petitioner was asked to reply on six relevant points vide Letter No.577 dated 11.12.2009 by the District Mining Officer, Jamui, but the Petitioner did not produce any document in the Office of District Mining Officer, Jamui. Thereafter, Petitioner was, again issued Letter No.105 dated 09.02.2010 by the Mining Officer, Jamui, with reference to earlier letter with direction to submit details of minor mineral consumed so that revenue could be calculated. Xerox copy of the Letter No.105 dated 09.02.2010 issued by Mining Officer, Jamui, is enclosed as Annexure- R/3 to the supplementary Counter Affidavit. But the Petitioner did not furnish any detail sought by the Mining Officer.

45. The Respondents have alleged that Petitioner has used huge amount of minor minerals because crushing license of the Petitioner had been corrected by Bihar Pollution Control Board from 80 MT per day to 80 MT per hour. Initially, license fee was fixed on the consideration that crushing capacity of the Crusher is 80 MT per day. Therefore, there was major change in the crushing capacity for which notice was given to the Petitioner to explain those relevant points as contained in Letter No.577 dated 11.12.2009 (Annexure- R/2), but no detailed information was provided.



46. The Mines Commissioner in its revisional order has mentioned that earlier the Collector had fixed the reserve amount without sanction of the Minor Mineral Department. The State Government has fixed the reserve amount of the crushing machine of the Petitioner with capacity of 80 MT per hour @ 86.66 Lac as contained in Annexure-5. After adjusting the initial amount of Rs.3.25 lac paid by the Petitioner, Rs.83.41 lac is payable by the Petitioner. The revisional authority has mentioned in Annexure-9 that reserve amount was fixed by the government on the basis of capacity of Crusher installed by the Petitioner. It was 80 MT per hour. Accordingly, demand was made from the Petitioner to make payment of differential amount.

47. This Court finds that submission of the Petitioner that it does not fall within the scope of Rule 7(1)(d) of the Bihar Minerals (Prevention of Illegal, Transportation and Storage) Rules, 2003, is not correct. The Petitioner had applied for license for setting up stone Crusher Unit at the site and had paid license fee initially determined by the authority on consideration that capacity of the Crusher is 80 MT per day, but admittedly, capacity of Crusher was 80 MT per hour. Therefore, reserve amount was fixed by the Respondents in terms of provision of Rules 7(1)(d) of the Bihar Minerals (Prevention of Illegal, Transportation and Storage)



Rules, 2003, and differential amount was demanded by the Respondents.

48. It is true that Petitioner was awarded civil construction work by the Central Public Works Department for construction and widening of considerable portion of Jamu-Jhajha-Chakai road to Jharkhand border of the State Highway, but at the same time it is also admitted fact that the Petitioner has consumed minor minerals (stone chips) for the said construction of the road and for the aforesaid purpose it has installed Crusher machine at the site of construction and has brought the same from another leasehold area for storage and, therefore, he was obliged to obtain the stockiest license from the competent Officer for such storage and make payment of the license fee. The State Government is competent to fix the minimum reserve amount for the stone stockiest license in terms of Section 7(1)(d) of the Bihar Minerals (Prevention of Illegal, Transportation and Storage) Rules, 2003.

49. Therefore, this Court does not find any illegality in making demand from the Petitioner vide letter dated 08.03.2010 as contained in Annexure-5. Similarly, this Court does not find any illegality in the order passed by the revisional authority vide Annexure-9 by which he has dismissed the revision and affirmed the demand notice issued vide Annexure-5.



50. This writ application is, accordingly, **dismissed**.

(Sanjay Priya, J)

J. Alam/-

AFR/NAFR	AFR
CAV DATE	30-04-2019
Uploading Date	16-07-2019
Transmission Date	N/A

