

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 4142 of 2019**

Rajesh Agrawal S/o Jaynarayan Agrawal Aged About 48 Years
Occupation- Mining Lease Holder And Operator, R/o Sakin- Sariya,
Tehsil- Baramkela, District- Raigarh, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Mineral Resource Development, Mantralay, Mahanadi Bhavan, Atal Nagar, Nava Raipur, District- Raipur, Chhattisgarh
2. The Collector - Raigarh District- Raigarh, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Rohit Sharma, Advocate
For State	:	Mr. Chandresh Shrivastava, Dy. AG

Hon'ble Shri Justice P. Sam Koshy**Order on Board****20/11/2019**

1. Grievance of the petitioner in the present writ petition is to the Annexure P-1 imposing of 20% of the amount of royalty towards CSR.
2. Grievance of the petitioner seems to be that in respect of identically placed person ,namely, Pilababu Patel, who also is having mining lease in an adjacent land and carrying on the same business that of the petitioner has been waved off this imposition of an amount equivalent to 20% of amount of royalty to be paid towards CSR.
3. Counsel for the petitioner refers to Annexure P-1 which is an offer given by the respondent No.1 to the petitioner and also refers to the Annexure P-2 which is an offer given to said Shri Pilababu Patel. The two offers have been made by the same officer during the same period and the offer is also for the same area and for the same purpose. However, different yardsticks have been applied while granting the offer to the two persons who according to the petitioner is arbitrary and bad in law.

4. Perusal of the records would show that petitioner till date has not made any objection/representation in this regard to the State Government with whom the petitioner has entered into an agreement.
5. Given the said facts, without expressing any opinion on the merits of the case, petitioner is directed to file suitable representation to the respondent No.1 within a period of 30 days from today highlighting the disparity or the favorable treatment being given to the similarly placed persons and on the contrary the petitioner is being saddled with the extra payment of an amount equivalent to 20% of the royalty amount towards CSR.
6. Subject to the petitioner making representation within 30 days to the respondent No.1, it is expected that respondent No.1 shall consider the case of the petitioner on its own merits in accordance with law governing the field and shall take appropriate decision. While taking the decision, respondent No.1 is also expected to take into consideration other agreements of similar nature of work in the same area or nearby vicinity.
7. It is expected that the decision shall be taken at the earliest.
8. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit