

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 933 of 2017

1. M/s Jai Hanuman Coal Depo Behind Old Bus Stand, Ambikapur-497001, District, Surguja, Chhattisgarh Through Proprietor Rahul Goyal, S/o Kawal Kanhaiya Agrawal, Aged About 31 Years, R/o Old Bus Stand, Ambikapur, P.S. And P.O. Ambikapur, District- Surguja, Chhattisgarh
2. M/s Vivek Traders, Behind Old Bus Stand Kharsia Raod, Ambikapur-497001, District Surguja, Chhattisgarh Through Proprietor Vivek Goyal S/o Arjun Agrawal Aged About 33 Years, R/o Old Bus Stand, Ambikapur, P.S. And P.O. Ambikapur, District- Surguja, Chhattisgarh
3. M/s Maruti Minerals, Behind Old Bus Stand, Ambikapur-497001, District- Surguja, Chhattisgarh Through Proprietor Shailja Goyal W/o Rahul Goyal, Aged About- 29 Years, R/o Old Bus Stand, Ambikapur, P.S. And P.O. Ambikapur, District Surguja, Chhattisgarh
4. M/s Mukesh Kumar Agrawal, M.G. Raod, Ambikapur-497001, District Surguja, Chhattisgarh Through Proprietor Mukesh Kumar Agrawal S/o Late Ram Prasad Agrawal, Aged About 40 Years, R/o Mayapur, Ambikapur, District Surguja, Chhattisgarh

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Versus

1. Union Of India Through The Secretary Ministry Of Coal, A Wing, Shastri Bhawan, Dr. Rajendra Prasad Raod, New Delhi-110001, Delhi
2. Union Of India, Through The Secretary Ministry Of Mines And Minerals, A Wing, Shastri Bhawan, Dr. Rajendra Prasad Raod, New Delhi- 110001, District : New Delhi, Delhi
3. State Of Chhattisgarh, Through The Secretary, Department Of Mines And Minerals Development, Ministry Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
4. South Eastern Coal Fields Limited Through General Manager Sales And Marketing Head Of Department, Seepat Raod, Bilaspur, District- Bilaspur, Chhattisgarh

5. South Eastern Coal Fields Limited Through Area Manager Sales, Bishrampur Area, Manager Sales, Bishrampur Area, P.O. Bishrampur Colliery, District Surajpur, Chhattisgarh
6. Chhattisgarh State Civil Supplies Corporation Ltd. Through Its Chairman, Chhattisgarh State Civil Supplies Corporation Ltd. Hitavada Parisar, Avanti Vihar, Telebandha, District Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Ms. Priyanka Mehta, Advocate
For State	:	Mr. Ayaz Naved, GA
For Respondent/s	:	Mr. Vaibhav Shukla, Advocate

Hon'ble Shri Justice P. Sam Koshy
Order on Board

20/01/2020

1. The challenge in the present writ petition is to the recovery letters issued by the respondent No.4 & 5 collectively marked as Annexure P-6 seeking recovery of contribution towards National Mineral Exploration Trust. The recovery was challenged only to the extent of recoveries being made for a period prior to 14.08.2015.
2. The contention of the petitioners was that since the trust itself was established on 14.08.2015, there cannot be any recovery made towards the said trust of a period prior to the trust itself being established.
3. Hon'ble Supreme Court in a some what similar issue dealing with the District Mineral Foundation in the case of **Federation of Indian Mineral Industries & Ors. Vs. Union of India and Another**, (2017) 16 SCC 186 has settled the issue involved in the case holding that such recoveries can only be prospective in nature and cannot be retrospectively applied.
4. Subsequently, the dispute arising out of the same provisions come up for hearing before this High Court in a bunch of writ petitions leading of which

being WPC 1504/2016 and other analogues writ petitions. This High Court relying upon the judgment of the Supreme Court in the case of **Federation of Indian Mineral Industries & Ors. Vs. Union of India and Another**, (Supra) allowed the bunch of writ petitions quashing the recovery notice similar to the notice under challenge in the present writ petition and have held that the contribution towards the National Mineral Exploration Trust shall be payable only w.e.f 14.08.2015 that is the date of promulgation of National Mineral Exploration Trust Rules and Constitution of Trust.

5. Given the aforesaid facts, particularly the judgment of this High Court on the same subject matter and which has attained finality as respondents have not questioned the same, the present writ petition also deserves to be and is accordingly allowed in similar terms. As a consequence, orders of recovery collectively marked as Annexure P-6 stands quashed. The contribution to be made towards the National Mineral Exploration Trust would be only prospective in nature i.e. the contribution have to be made only w.e.f. the date the trust came into force on 14.08.2015 and not for any period prior to that.
6. The writ petition accordingly stands allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit