

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-12123-2020 (O&M)
Date of Decision:-11.5.2020

M/s KC Stone Crushing Company and another ... Petitioners

Versus

State of Haryana and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sameer Sachdeva, Advocate for the petitioners.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

*(the aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in Virtual Court)*

GURVINDER SINGH GILL, J.(Oral)

1. The petitioners have approached this Court challenging order dated 1.3.2020 (Annexure P-1) vide which the truck belonging to the petitioner has been seized.
2. It is the case of the petitioners that on 1.3.2020 the truck of the petitioners was on its way to deliver 'bajri' (10mm Stone 'Rohri') to a firm namely 'M/s PC Gupta & Company' but the same was intercepted on its way by Mining Officer and was seized since the driver of the truck in question could not produce requisite documents.
3. The learned counsel for the petitioners has submitted that infact there were two trucks belonging to the petitioners on its way and the requisite documents were with the driver of other truck which lagged behind. The

learned counsel has further submitted that, in any case, the impugned order dated 1.3.2020 (Annexure P-1) cannot stand inasmuch as the petitioners have been ordered to pay an amount of 50% of the value of truck, whereas the said directions have since been modified by the National Green Tribunal vide order dated 19.2.2020 and that as per the revised rates, a lesser amount is required to be paid in such kind of violations.

4. The learned State counsel could not dispute that while the order revising the rates in question was passed by National Green Tribunal on 19.2.2020, the truck in question was seized on 1.3.2020.
5. Having heard the learned counsel for the petitioners and the learned State counsel, the petition is disposed of with a direction to the Director, Department of Mines and Geology, Government of Haryana to look into the matter and to dispose of the representation dated 3.3.2020 (Annexure P-7) in accordance with law within 10 days from today and in case it is the revised rates which are applicable, the needful be done as per the revised rates.
6. Needless to mention the release of truck in question on superdari as per the rates applicable would not have any effect on the merits of the case.

11.5.2020

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No