

113        **IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**CWP No. 10272 of 2021**

**Date of Decision: 26.05.2021**

M/s P.S.Buildtech

.... Petitioner

Versus

The State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH  
HON'BLE MR. JUSTICE SANT PARKASH**

Present:     Mr. Chetan Mittal, Sr. Advocate with  
                 Mr. Kunal Mulwani, Advocate  
                 for the petitioner.

Ms. Shruti Jain Goyal, DAG, Haryana.

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**JASWANT SINGH, J.**

*[The aforesaid presence is being recorded through video conferencing  
since the proceedings are being conducted in virtual court]*

The petitioner, a proprietorship concern is a holder of mining lease dated 10.06.2016 for extracting sand in the area of 44.14 hectares in district Yamunanagar for a period of 9 years.

It is an admitted position that while conducting the mining for sand, an additional mineral i.e. Boulder and Gravel (for short 'BG') has also been extracted from the area being inextricably linked with the mineral of sand in light of the location of the mining area. In view of the statutory provisions, the additional mineral being of a certain percentage, an additional license is required to be obtained by the same concession/leaseholder of the original miner. Accordingly, the petitioner was granted an additional license dated 12.06.2019 for mining Boulder and Gravel on certain terms and conditions.

The Director General, Mines and Geology Department, Haryana-respondent No.3 vide order dated 26.11.2020 (Annexure P-14) raised the demand for payment of royalty at certain rates for certain quantities of mining operations i.e. sand plus Boulder and Gravel to be paid w.e.f. retrospective date in view of the e-bay bills available on record regarding transactions of mining operations. The said order was taken in appeal before the government. The said appellate authority vide impugned order dated 15.03.2021 (Annexure P-17) has dismissed the appeal and confirmed the demand vide order dated 26.11.2020.

Learned counsel for the petitioner is stressing on the fact that there are certain factual errors recorded in the order of the appellate authority, which we are not inclined to interfere. Hence, learned counsel for the petitioner prays for permission to withdraw the present writ petition to enable his client to seek clarification/review of the order passed by the appellate authority.

Dismissed as withdrawn with aforesaid liberty.

It is hoped that the appellate authority would decide the said application, if any, within a reasonable time.

**(JASWANT SINGH)**  
**JUDGE**

**(SANT PARKASH)**  
**JUDGE**

26.05.2021  
Maninder

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No