

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3516 OF 2021

WITH

INTERIM APPLICATION NO. 4290 OF 2021

IN

WRIT PETITION NO. 3516 OF 2021

M/s.Prism Johnson Limited	...	Petitioner/ Applicant
Versus		
The State of Maharashtra & Anr.	...	Respondents

Mr. Kiran Bapat i/b. Mr. Prashant P. Bhat, Advocate for the Petitioner/Applicant.

Mr. K. S. Thorat, AGP for the Respondents/State in both matters.

**CORAM: S.V. GANGAPURWALA &
A. S. DOCTOR, JJ.**

DATED : AUGUST 1, 2022

P.C.

1. The learned Counsel for the petitioner submits that the dispute in the writ petition is with regard to the period of lease. According to the learned Counsel for the petitioner, the lease period is up to 2024, whereas as per learned Counsel for the respondent, the same is upto 2021. The learned Counsel for the petitioner submits that the petitioner has excavated about 7254 brass of minor mineral (stone) for which the royalty is also paid by the petitioner and that is even for the period which according to respondent is the lease period.

2. The learned AGP submits that as the lease period has expired, the petitioner is not entitled for excavation and transportation of the minor mineral (stone).
3. We have considered the submissions.
4. In the writ petition, a short issue is involved as to the period of lease. According to the petitioner, the same is up to 2024, whereas according to the learned Counsel for the respondent, the said is upto 2021. According to the learned Counsel for the petitioner, 7254 brass of minor mineral (stone) has been excavated during the period which even, according to the respondent, is the period of lease. The royalty for the said excavated minor mineral (stone) is also paid to the respondent.
5. In light of above, the respondent shall verify that the petitioner has paid the royalty for the said amount and has also excavated earlier and upon verification that for the said minor mineral (stone), the royalty has been paid and same has been excavated during the lease, shall permit the petitioner to dispose of the stock of the minor mineral (stone) as detailed in Schedule "A" of the application. The same shall be processed and decided preferably within four weeks from today.
6. The interim application is disposed of.
7. Place the writ petition on **28th September 2022**.

(A. S. DOCTOR, J.)

(S.V. GANGAPURWALA, J.)