



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 2541/2018

M/s Siddheshwar IIPL - IGC MPL Vs. State of Maharashtra & Others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Yash Maheshwari, Advocate for petitioner
Mrs. Ketki Joshi, Addl.G.P. for Respondents / State

**CORAM: AVINASH G. GHAROTE &
URMILA JOSHI-PHALKE, JJ.**

DATED : 8th SEPTEMBER, 2023

The petition questions the communication dated 07/07/2017, by which the claim of the petitioner for refund of royalty under the package scheme of incentives of 2017 has been denied on the ground of delay (page 77). The question of delay has already been considered by this Court in M/s Shri Balaji Buildcon Vs The State of Maharashtra in Writ Petition No.19/2018 and other connected Writ Petitions, decided on 18/8/2023, wherein it has been held that the subsequent circular dated 17/6/2011, which requires the claim to be made within a particular period of time, would not be attracted to a claim of refund in respect of minor minerals, in view of which the communication dated 07/07/2017, is hereby quashed and set aside and the matter is remitted back to the respondent No.3 for deciding the claims on their own merits, as it is reported at bar that there is no other circular governing the position regarding any delay in filing an application for

refund governing minor minerals. In case there is any such circular, the same would apply. The petition is allowed in the above terms. No costs.

(URMILA JOSHI-PHALKE, J.) (AVINASH G. GHAROTE, J.)

MP Deshpande