

CWP-8773-2023

2023:PHHC:061780-DB

:1:

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

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CWP-8773-2023 (O&M)

Date of Decision: 28.04.2023

M/S GANPATI STONE CRUSHER

... Petitioner

VERSUS

**DIRECTOR, MINES AND GEOLOGY
DEPARTMENT, HARYANA AND ANOTHER**

....Respondents

**CORAM: HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE RITU TAGORE**

Present: Mr. Sandeep Goyal, Advocate
for the petitioner.

Mr. Ankur Mittal, Additional AG Haryana with
Mr. Saurabh Mago, Assistant AG Haryana.

LISA GILL, J.(Oral)

1. Petitioner in this writ petition is aggrieved of suspension of his e-rawaana Portal. Petitioner is stated to be running a stone crusher after having obtained the necessary licence and permissions therefor. Petitioner's e-rawaana Portal, it is submitted was suddenly deactivated without any notice or even a reason thereof.

2. At the outset, learned counsel for the petitioner submits that pursuant to show cause notice dated 22.03.2023, reply has been submitted by the petitioner on 31.03.2023 though no opportunity of hearing has been afforded to the petitioner and neither any order has been passed by the competent authority. It is submitted that petitioner is ready and willing to deposit the maximum amount of penalty which

may be imposed in such a situation under protest and without prejudice to his rights subject to revocation of suspension of e-rawaana Portal of the petitioner and permission to the petitioner to continue with the mining work.

3. Learned counsel for the State was asked to seek instructions in this regard.

4. Learned State counsel on instructions from Mr. Sanjay Simberwal, Mining Engineer confirms that maximum penalty which may be imposed in such a situation is Rs.7,45,900/- the breakup being as under:-

“Royalty @ 50/- MT=	Rs.1,22,650/-
Price of Mineral @ 250/-MT=	Rs.6,13,250/-
Penalty as per State Rule 2012=	Rs.10,000/-”

5. It is submitted that in case petitioner deposits the same, though under protest, suspension/deactivation of e-rawaana Portal shall be revoked and petitioner shall be permitted to resume operations. Learned counsel for the State submits that final order in this matter shall be passed expeditiously after affording an opportunity of hearing to the petitioner and definitely within the next three weeks.

6. Keeping in view the facts and circumstances as above, it is directed that in case the petitioner deposits a sum of Rs.7,45,900/- as has been projected to be the amount of penalty which may be imposed, suspension/deactivation of e-rawaana Portal of the petitioner be revoked, thus allowing the petitioner to resume

operations. The said deposit, needless to say, shall be without prejudice to the rights of the petitioner. Final order be passed expeditiously by the competent authority.

7. Writ petition is accordingly disposed of.

(LISA GILL)
JUDGE

28.04.2023

(RITU TAGORE)
JUDGE

Rimpal

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