

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2269 OF 2024

M/s.Alatge Stone Crushing Industries ..Petitioner

Versus

The District Collector,Raigad
& Ors ..Respondents

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Mr. Rafique Dada, Senior Advocate, with Mr.Satish Kunkekar, Yuvraj Narvankar i/b Prashant Bhavake, Advocates for the Petitioner.

Mr.A. I. Patel, Addl.GP., with Mr.R. S. Pawar, AGP, for the Respondent/State.

**CORAM : B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.**
DATE : APRIL 30, 2024

P.C.

The above Writ Petition is filed seeking to challenge the Revenue Recovery Certificate dated 30th September, 2019 (the “impugned RRC”) issued by Respondent No.1-District Collector against the Petitioner.

2 The ground on which quashing of the impugned RRC is sought is that the District Collector has no power or jurisdiction to issue the impugned RRC because the mining being carried out by the Petitioner is with reference to a major mineral (Bauxite)

and which is covered under the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 (for short the “**said Act**”). It is the case of the Petitioner that once this is the case, then, under Section 21 (5) of the said Act, any levy on the miner would have to be done by the Director of Geology and Mining, Maharashtra State, and the District Collector has absolutely no power and/or jurisdiction in that regard.

3 When the above matter had come up before this Court on 23rd February, 2024, we had noted the submissions made by Mr. Dada that for the alleged violations committed by the Petitioner, the concerned Authority under Central Government has, in fact, levied penalties on the Petitioner to the extent of Rs.59,45,287/-, and which has been paid by the Petitioner to the said Authority. On that date, Mr. Dada further pointed out that the Director of Geology and Mining has written a letter to the District Collector asking him to revoke the impugned RRC and allow the Petitioner to continue their mining operations.

4 Having heard Mr.Dada on the aspect of ad-interim relief, we were satisfied that a case was made out for the same and hence granted ad-interim relief in terms of prayer clause (c) of the

application which was effectively to stay the impugned RRC. On that date, we have also granted time to the Respondents to file an affidavit in reply, if any.

5 Today when the matter is called out, Mr.Patel has tendered an affidavit in reply dated 23rd April, 2024. Paragraphs 8 to 13 of this affidavit read thus:-

“8. I submit that the State Government vide letter dated 02.02.2023 informed the Director, Directorate of Geology and Mining, Maharashtra State that the order dated 25.05.2021 pertaining to lapse of Petitioner’s mining lease has been set aside and it has been directed to execute the grant of extension to mining lease of the Petitioner for a period of 31.12.2032 to 30.12.2052 as per the provisions of section 4A(4) of the Mines and Minerals (Development and Regulation) Act, 2021 and as per the order of Central Government of India dated 14.10.2021.

*9. I submit that with reference to point raised by the office of the Comptroller and Auditor General of India in report of the year 2014-2015, the State Government vide above mentioned letter dated 02.02.2023, addressed to the Director, Directorate of Geology and Mining, has informed about reactivation of the mining lease of the Petitioner subject to submission of the affidavit by Petitioner containing therein annex pressed undertaking about giving preference in payment of the government dues, Royalty and the amount of fine calculated as per Section 21(5) of the MMDR Act as well as guideline laid down by Flonbie Apex Court vide judgment and order dated 02.08.2017 passed in Writ Petition No.114 of 2014. It is further informed the Director, Directorate of Geology and Mining, to submit the compliance report in this regard to the Government. Hereto annexed and marked as **Exhibit-S** is the copy of said letter dated 02.02.2023.*

10. In view of the said letter dated 02.02.2023, the Director, Directorate of Geology and Mining, Maharashtra State issued demand notice dated 29.11.2023 petitioner to pay dues of Rupees 59,45,287/- by exercising powers contemplated under Section 21(5) of the MMDR Act as well as guideline laid down by Flonble Apex

Court vide judgment and order dated 02.08.2017 passed in Writ Petition No.114 of 2014.

11. Thereafter, petitioner paid dues as per notice issued by the Director, Directorate of Geology and Mining, Maharashtra State and informed vide letter dated 27.12.2023 and the same acknowledged by Respondent No.3.

12. Thereafter, vide letter dated 06.01.2024 the Director, Directorate of Geology and Mining, Maharashtra State directed the District Mining Officer, Raigad to activate ILMS system to start mining operations and directed to cancel mining related RRC and to submit the report.

*13. Thereafter, I submit that the District Collector, Raigad vide letter dated 05.03.2024 informed the Director, Directorate of Geology and Mining, Maharashtra State about deposit of amounts and starting of the ILMS system and mining operations. Hereto annexed and marked as **Exhibit-6** is the copy of said letter dated 05.03.2024. It has also been informed vide said letter dated 05.03.2024 that if any question arises in the future regarding the recovery and starting of mining operations with regard to the points raised by the office of the Comptroller and Auditor General of India in report of the year 2014-2015, the office of the District Collector, Raigad will not be responsible since the office of Collector Raigad has implemented the directions given by Director, Directorate of Geology and Mining, Maharashtra State vide letters dated 29.11.2023 and 6.01.2024.”*

6 In light of what is stated in the aforesaid affidavit, we find that the stand taken by the Petitioner is accepted by the State. In these circumstances, the impugned RCC dated 30th September, 2019 is hereby quashed and set aside. The consequence of the said quashing is that the Petitioner shall be permitted to carry on with its mining operations in accordance with law.

7 The Writ Petition is disposed of in the aforesaid terms. However, there shall be no order as to costs.

8 This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.] [B. P. COLABAWALLA, J.]