

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO. 2270 OF 2024**

Alatge Stone Crushing Industries ..Petitioner

***Versus***

The District Collector, Raigad  
& Ors ..Respondents

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***Mr. Rafique Dada, Senior Advocate, with Mr. Satish Kunekar, 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.***

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**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 30<sup>th</sup> 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 23<sup>rd</sup> 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.60,10,162/-, 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 23<sup>rd</sup> April, 2024. Paragraphs 9 to 12 of this affidavit read thus:-

*“9. 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 60,10,162/- by exercising powers contemplated under Section 21(5) of the MMDR Act as well as guideline laid down by Hon’ble Apex Court vide judgment and order dated 2.08.2017 passed in Writ Petition No. 14 of 2014.*

*10. Thereafter, petitioner paid dues as per notice issued by the Director, Directorate of Geology and Mining, Maharashtra State and informed vide letter dated 16.01.2024 and the same acknowledged by Respondent No.3.*

*11. Thereafter, vide Letter dated 14.02.2024 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.*

*12. 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 30<sup>th</sup> 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.]**