HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE JUSTICE MOUSHUMI BHATTACHARYA

WRIT PETITION NO: 6331 OF 2016

Between:

M/s. Dr. Reddy's Laboratories Ltd, Regd Off 8-2-337, Road No.3, Banjara Hills, Hyderabad - 500 034 Rep. by its Senior Legal Counsel, Sri. Gopala Krishna Gangavelli

...PETITIONER

AND

1. State of Telangana, Represented by its Principal, Secretary, Department of Industries and Commerce (Mines-I), Hyderabad.
2. The Director of Mines and Geology, BRKR Bhavan, Hyderabad, Telangana.
3. The Singareni Colleries Company Limited, Singareni Bhavan, Red Hills, PB.No.18, Khairatabad PO, Hyderabad Telangana State - 500004, Represented by its, Chairman and Managing Director.
4. Union of India, Represented by its Secretary, Ministry of Mines, Shastri Bhavan, New Delhi
5. Union of India, Represented by its Secretary, Ministry of Coal, Shastri Bhavan, New Delhi
6. Additional Secretary, Ministry of Mines, Shastri Bhavan, New Delhi

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to Issue a Writ in the nature of a Writ of Mandamus or any other appropriate Writ direction or order declaring (a) The action of the respondents 1 and 2 in demanding the 3rd respondent the Contribution towards District Mineral Foundation in respect of mining of coal retrospectively from 12.01.2015 vide letter no.1046/P/2015(SF) dated 29.01.2016 issued by the rd respondent and the consequent price notification number 66/2015-16 dated 09.02.2016 and notice

dated nil issued by the 3rd respondent in-turn demanding the petitioner company to pay the contributions retrospectively for the period 12.01.2015 to 09.02.2016 as wholly arbitrary, illegal, unauthorized, contrary to the Mines and Minerals (Development and Regulation) Amendment Act, 2015 and Mines and Minerals (Contribution to District Mineral Foundation) Rules, 2015 besides violating the petitioners rights guaranteed under Article 14 and 19(1)(g) of the Constitution of India and consequently set-aside the letter no.1046/P/2015(SF) dated 29.01.2016 issued by the 2nd respondent and the consequent price notification number 66/2015-16 dated 09.02.2016 issued by the 3rd respondent to the extent of demanding the petitioner company to pay contributions of District Mineral Fund retrospectively with effect from 15.01.2016 to 09.02.2016 (b) The order dated 16.09.2015 issued by to the 66 respondent under Section 20A of the MMDR Amendment Act, 2015 to the extent of directing establishment of District Mineral Fund to have been come into existence retrospectively with effect from 12.01.2015 as wholly arbitrary, illegal, contrary to the provisions of Mines and Mineral (Development and Regulation) Amendment Act, 2015 besided violating Article 14 and 19(1)(g) of the Constitution of India. (c) and pass

I.A. NO: 1 OF 2016(WPMP. NO: 8042 OF 2016)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased direct the Respondents 1 to 3 not to take coercive steps for collection of the contributions to the District Mineral Foundation from the Petitioner Company for the period 15.01.2015 upto 09.02.2016 pursuant to the price notification number 66/2015-16 dated 09.02.2016 issued by the 31"d respondent.

I.A. NO: 2 OF 2016(WPMP. NO: 8043 OF 2016)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased suspend the lesse· no.1046/P/2015 (SF) dated 29.01.2016 issued by the 2nd respondent to the extent of demanding the petitioner company to pay contributions of District Mineral Fund retrospectively with effect from 15.01.2016 to 09.022016.

Counsel for the Petitioner: MS. K. MAANASA, REPRESENTING FOR SRI CHALLA GUNARANJAN

Counsel for the Respondent No.1: MS. N. SAMEENA, ASSISTANT GOVERNMENT REPRESENTING FOR IMRAN KHAN, ADDITIONAL ADVOCATE GENERAL

Counsel for the Respondent No.3: SRI J. SREENIVASA RAO

Counsel for the Respondent Nos.4 and 5: SRI K. MALLESH, REPRESENTING FOR MS. ANJALI AGARWAL

The Court made the following: ORDER

THE HON'BLE JUSTICE MOUSHUMI BHATTACHARYA

WRIT PETITION NO.6331 OF 2016

Ms. K.Maanasa, learned counsel representing Mr. Challa Gunaranjan, learned counsel for the petitioner.

Ms. N. Sameena, learned Assistant Government Pleader representing Mr. Imran Khan, learned Additional Advocate General for the respondent No.1.

Sri K. Mallesh, learned counsel representing Ms. Anjali Agarwal, learned counsel for the respondent Nos.4 and 5.

ORDER:

Learned counsel appearing for the petitioner places a common order passed by this Court on 13.11.2024 in W.P.Nos.6552 and 10692 of 2016 and states that the present writ petition is squarely covered by the said common order.

2. The common order has been shared with learned counsel appearing for the respondents.

3. Considering the view taken by this Court in the two earlier writ petitions, wherein reliance was placed on *Federation of Indian Mineral Industries v. Union of India and Another*[1] it is clear that the contribution can be made with effect from 20.10.2015 or from the date on which the District Mineral Foundation (DMF) was established by the State Government by Notification, whichever is later, and the fact that the Telangana State District Mineral Foundation (Trust) Rules, 2015 were notified on 20.01.2016, the petitioner shall be liable for the contributions only from

[1] (2017) 16 SCC 186

20.01.2016. The impugned notice dated 29.01.2016 is liable to be set aside as being contrary to the judgment of the Supreme Court.

4. W.P.No.6331 of 2016 is accordingly disposed of by setting aside the impugned notice dated 29.01.2016 and holding that the petitioner is liable for the contribution to the respondent No.3/Singareni Collieries Company Limited towards establishment of DMF on and from 20.01.2016.

5. Interim orders, if any, shall stand vacated and all connected applications are disposed of. There shall be no order as to costs.

SD/- L. LAKSHMI BABU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal, Secretary, Department of Industries and Commerce (Mines-I), State of Telangana, Hyderabad.
2. The Director of Mines and Geology, BRKR Bhavan, Hyderabad, Telangana.
3. The Chairman and Managing Director, The Singareni Colleries Company Limited, Singareni Bhavan, Red Hills, PB.No.18, Khairatabad PO, Hyderabad Telangana State - 500004.
4. The Secretary, Ministry of Mines, Shastri Bhavan, Union of India, New Delhi
5. The Secretary, Ministry of Coal, Shastri Bhavan, Union of India, New Delhi
6. Additional Secretary, Ministry of Mines, Shastri Bhavan, New Delhi
7. One CC to Sri Challa Gunaranjan, Advocate [OPUC]
8. One CC to Sri J. Sreenivasa Rao, Advocate[OPUC]
9. Two CCs to The Additional Advocate General, High Court for the State of Telangana, at Hyderabad[OPUC]
10. One CC to Ms. Anjali Agarwal, Advocate [OPUC]
11. Two CD Copies

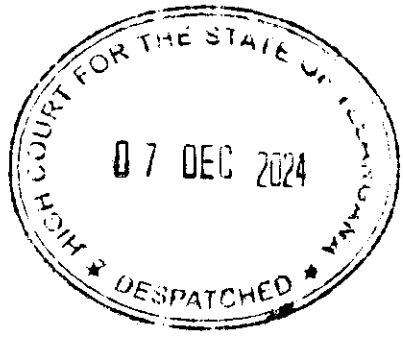
T J
LS
CHR

HIGH COURT

DATED:20/11/2024

ORDER

WP.No.6331 of 2016



DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

(14) CHR
5/12/24