



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.17389 of 2024 (O&M)
Date of Decision: 01.10.2024

M/s Vijay Laxmi Grit Udyog
...Petitioner

Versus

State of Haryana & others
...Respondents

CORAM: HON’BLE MR. JUSTICE G.S. SANDHAWALIA
HON’BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. H.P.S. Rahi, Advocate and
Mr. Khalid Tauru, Advocate,
for the petitioner.

Mr. Ankur Mittal, Addl. Advocate General, Haryana with
Mr. Saurabh Mago, DAG, Haryana.

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G.S. SANDHAWALIA J. (Oral)

CM No.16208-CWP of 2024

Application under Section 151 of CPC for placing on record the photocopy of Annexure P-7 and Annexures P-15 to P-17 is allowed subject to all just exceptions. Annexures P-7, P-15 to P-17 are taken on record. Registry is directed to append the same at the appropriate place.

CWP No.17389 of 2024

The prayer in the present petition, filed under Articles 226/227 of the Constitution of India, is for issuing a writ in the nature of certiorari quashing the order dated 02.07.2024 (Annexure P-13) whereby the appeal filed under Rule 109(2) of Haryana Minor Mineral Concession, Stocking



and Transportation of Mineral and Prevention of Illegal Mining Rules, 2012, (for short 'Rules 2012') was dismissed. Further prayer has also been made to quash the notices dated 09.11.2023 (Annexure P-10), 24.11.2023 (Annexure P-11) and 29.04.2024 (Annexure P-14) vide which petitioner has been directed to pay a fine of Rs 96,44,373/- and also to quash order dated 26.09.2023 (Annexure P-7) vide which the e-ravana portal of the Department of Mining has been closed to the petitioner.

2. Vide the said impugned order dated 02.07.2024 (Annexure P-13), the Appellate Authority in principle has upheld the demand of Rs.96,44,373/- raised by respondent No.4-District Mining Officer, Mines & Geology Department, Nuh (Annexure P-10) on account of the purchase/ e-rawana bills of 27,526.78 metric tonnes which were allegedly sold to respondent No.5-M/s Kaveri Stone Crusher, District Yamuna Nagar. Resultantly, the royalty price/fine amount was accordingly quantified.

3. Prior to the quantification of the said amounts, the show cause notices have been issued regarding the purchase by the private respondent-M/s Kaveri Stone Crusher and the present petitioner is stated to be nowhere close geographically being in Nuh District whereas the private respondent is stated to be located in District Yamuna Nagar. Considerable material has been placed before us by both the sides to show that heavy quantity could not be transported from Nuh to Yamuna Nagar in such short interval. However, we are not concerned about the factual matrix since the Appellate Authority had gone through the same before passing the order dated 02.07.2024 (Annexure P-13) and had held that if the Appellant



(petitioner) at a later stage placed convincing evidence before him, he would review the order as per the spirit of Rule 104 and 105 of the relevant Rules.

4. We are more concerned about the manner in which the quantification has been done without referring to the specific provisions and in such circumstances, we are of the considered opinion that without any categorical reference made to the specific Rules in question, the quantification as such cannot be done at the whims and fancies of respondents No.1 to 4.

5. A bare reading of the Rules, 2012 would go on to show that the non-compliance or violation of the terms and conditions of the license i.e., regarding 'breach' and 'default' as such are specified. Reference to Rule 96 would show that it defines what constitutes a 'default' or 'breach' as such of the conditions of license and Rule 97 deals with the procedure to be followed by the competent authority when dealing with default and breach of conditions of license. Chapter 15 of the Rules, 2012 talks about transportation of minerals and the requirement of a Mineral Transit Pass and Chapter 16 of the Rules, 2012 talks of illegal or unauthorised mining and its consequences. The latter as such deals with the consequences of illegal/ unauthorized mining under Rules 103 and 104 and the offences have also been dealt with. Thus, there are three separations as such of the penalties provided namely Chapter 14 of the Rules, 2012 which pertains to grant and renewal of licence, Chapter 15 of the Rules, 2012 pertaining to transportation of minerals and Chapter 16 of the Rules, 2012 which



pertains to illegal or unauthorised mining and its consequences. The notices, in such circumstances, have to specify the breach of or violation of Rules which are alleged, so that the petitioner as such can reply appropriately to them, and bereft of any detail.

6. Resultantly, we are of the considered opinion that the impugned order passed by the Authorities is not justified in the facts and circumstances. Accordingly, we quash the order dated 02.07.2024 (Annexure P-13) and the quantification notice dated 09.11.2023 (Annexure P-10) and notice 24.11.2023 (Annexure P-11). Resultantly, it is open to the respondent-authority to issue fresh notices in furtherance of the earlier notices issued, by giving specific reference to the violation of the particular Rules and giving adequate opportunity to the petitioner to file the reply to the same. Since there are allegations of also dealing with the private respondent, it would also be appropriate for the authorities to issue notices to both the concerned and to pass an appropriate order after hearing the parties.

7. With the above-said observations, the present writ petition is allowed.

(G.S. SANDHAWALIA)
JUDGE

October 01, 2024
seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No