



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 3590 OF 2024

(Shri Anoj Kumar Agarwala

Vs.

State of Maharashtra, In the Ministry of Industries, Energy and Labour,
Mumbai & Ors.)

WITH

WRIT PETITION NO. 3589 OF 2024

(M/s. Daksh Traders, Thr. its Proprietor

Vs.

State of Maharashtra, In the Ministry of Industries, Energy and Labour,
Mumbai & Ors.)

WITH

WRIT PETITION NO. 3591 OF 2024

(Shri Anoj Kumar Agarwala

Vs.

State of Maharashtra, In the Ministry of Industries, Energy and Labour,
Mumbai & Ors.)

WITH

WRIT PETITION NO. 3592 OF 2024

(M/s. Keshavpriya Infrastructure, Thr. its Authorized Partner

Vs.

State of Maharashtra, In the Ministry of Industries, Energy and Labour,
Mumbai & Ors.)

WITH

WRIT PETITION NO. 3593 OF 2024

(M/s. Prashant Traders, Thr. its Proprietor

Vs.

State of Maharashtra, In the Ministry of Industries, Energy and Labour,
Mumbai & Ors.)

WITH

WRIT PETITION NO. 4740 OF 2024

(M/s. Kavish Enterprises, Thr. its Proprietor

Vs.

State of Maharashtra, In the Ministry of Industries, Energy and Labour,
Mumbai & Ors.)

WITH
WRIT PETITION NO. 4769 OF 2024

(M/s. Kavish Enterprises, Thr. its Proprietor

Vs.

State of Maharashtra, In the Ministry of Industries, Energy and Labour,
Mumbai & Ors.)

WITH
WRIT PETITION NO. 4790 OF 2024

(M/s. Om Graphics, Thr. its Proprietor

Vs.

State of Maharashtra, In the Ministry of Industries, Energy and Labour,
Mumbai & Ors.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms. R.N. Bhondwe, Advocate for the Petitioner/s.

Mr. A.M. Kadukar, AGP for the Respondents/State.

**CORAM: AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.**

DATED : 15th JANUARY, 2025

**Writ Petition Nos. 3590/2024, 3589/2024, 3591/2024,
3592/2024 and 3593/2024.**

Heard.

2. In all these matters, the basic grievance is that the Petitioner/s have been charged 10% contribution to the District Mineral Foundation not on the royalty but on the bid amount which is more than that of figure of royalty.

3. The learned AGP for the Respondents/State, has filed reply in Writ Petition No.3590/2024 dated 02.01.2025, in which it has been stated, that the Respondents are ready to

refund the excess amount to the Petitioner/s after deducting the amount of contribution to be made to the District Mineral Foundation as per the provisions of Rule 2 of the Maharashtra Minor Minerals (Contribution to District Mineral Foundation) Rules, 2017 (for short “the Rules of 2017”).

4. A perusal of Rule 2 of the Rules of 2017, indicates the imposition of 10% upon the royalty and not on the bid amount, on account of District Mineral Foundation. In that view of the matter, the Petitioner/s would be entitled to refund of an amount, which would be in excess, of what has been charged, as the charge has to be in consonance with Rule 2 of the Rules of 2017.

5. Mr. Kadukar, learned AGP for the Respondents/State, upon instructions, makes a statement that the statement as contained in para 8 of the affidavit dated 02.01.2025 in Writ Petition No.3590/2024, would be equally applicable to the other Petitions indicated above, all of which are from the Chandrapur District.

6. In light of the above position, the Petitions are **allowed** by directing the Respondents to ensure that the amount of contribution to the District Mineral Foundation is calculated strictly on the basis of Rule 2 of the Rules of 2017 and any excess amount which may have been received, be refunded back to the Petitioner/s. The same shall be done as far as possible within a period of three weeks from today.

7. Pending application/s, if any, shall stand disposed of accordingly.

Writ Petition Nos. 4740/2024, 4769/2024 and 4790/2024

These Petitions raise a similar issue. Though the learned AGP for the Respondents/State, has not filed the reply in these Petitions, it is not disputed, that the governing factor would be Rule 2 of the Rules of 2017, in view of which, what has been stated above in Writ Petition No.3590/2024 and others would equally apply in respect of these Petitions.

2. Accordingly, the present Petitions are **allowed** in terms of what has been held in Writ Petition No. 3590/2024.

3. Pending application/s, if any, shall stand disposed of accordingly.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)