

107+253 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1.

CWP-14114-2024 (O&M)
Date of Decision:11.12.2025

M/S MAAN INDUSTRIES

....PETITIONER(S)

V/S

STATE OF PUNJAB AND OTHERS

....RESPONDENT(S)

2. CWP-14134-2024 (O&M)

M/S JAGDAMBA AGENCIES

....PETITIONER(S)

V/S

STATE OF PUNJAB AND OTHERS

....RESPONDENT(S)

3. CWP-14144-2024 (O&M)

M/S GARG SONS ESTATE PROMOTERS PVT LTD

....PETITIONER(S)

V/S

STATE OF PUNJAB AND ORS

....RESPONDENT(S)

4. CWP-14200-2024 (O&M)

M/S BABA TECHNOPLAST

....PETITIONER(S)

V/S

STATE OF PUNJAB AND OTHERS

....RESPONDENT(S)

5. CWP-14220-2024 (O&M)

M/S NAVYUG COMPANY

....PETITIONER(S)

V/S

STATE OF PUNJAB AND OTHERS

....RESPONDENT(S)

6. CWP-14240-2024 (O&M)

M/S RUDRA STONE CRUSHER

....PETITIONER(S)

V/S

STATE OF PUNJAB AND OTHERSRESPONDENT(S)

7. CWP-14251-2024 (O&M)

M/S GURINDER SINGH BHATTIPETITIONER(S)

V/S

STATE OF PUNJAB AND OTHERSRESPONDENT(S)

8. CWP-14274-2024 (O&M)

M/S NAVYUG COMPANY (RAUR)PETITIONER(S)

V/S

STATE OF PUNJAB AND OTHERSRESPONDENT(S)

9. CWP-14293-2024 (O&M)

M/S KISSAN PETROLEUM KSKPETITIONER(S)

V/S

STATE OF PUNJAB AND OTHERSRESPONDENT(S)

10. CWP-14299-2024 (O&M)

M/S KISSAN PETROLEUM KSK (CHACK HARI RAI)
....PETITIONER(S)

V/S

STATE OF PUNJAB AND OTHERSRESPONDENT(S)

11. CWP-14306-2024 (O&M)

M/S NAVYUG COMPANY (GHAG DHAGARA-2)
....PETITIONER(S)

V/S

STATE OF PUNJAB AND OTHERSRESPONDENT(S)

12. CWP-14308-2024 (O&M)

M/S FAUJA SINGH WEAVING FACTORY PETITIONER(S)

V/S

STATE OF PUNJAB AND OTHERS RESPONDENT(S)

13. CWP-14321-2024 (O&M)

M/S AVS TYRES PETITIONER(S)

V/S

STATE OF PUNJAB AND OTHERS RESPONDENT(S)

14. CWP-14323-2024 (O&M)

M/S KULDEEP SINGH AND BROS. PETITIONER(S)

V/S

STATE OF PUNJAB AND OTHERS RESPONDENT(S)

15. CWP-14324-2024 (O&M)

M/S BAWA MOTORS PETITIONER(S)

V/S

STATE OF PUNJAB AND OTHERS RESPONDENT(S)

16. CWP-14326-2024 (O&M)

M/S RAJINDER INFRASTRUCTURE PETITIONER(S)

V/S

STATE OF PUNJAB AND OTHERS RESPONDENT(S)

17. CWP-14328-2024 (O&M)

M/S BABA TECHNOPLAST PETITIONER(S)

V/S

STATE OF PUNJAB AND ORS RESPONDENT(S)

18. CWP-14329-2024 (O&M)

M/S BABA TECHNOLPLAST (ADB RAIL 1-2)
....PETITIONER(S)

V/S

STATE OF PUNJAB AND OTHERS **....RESPONDENT(S)**

19. CWP-6533-2024 (O&M)

M/S NAVYUG COMPANY **....PETITIONER(S)**

V/S

STATE OF PUNJAB AND ORS. **....RESPONDENT(S)**

CORAM:- HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR

Present: Mr. Gaurav Chopra, Senior Advocate assisted by
Mr. Anurag Chopra, Advocate
for the petitioner(s).

Mr. Maninderjit Singh Bedi, Senior Advocate/Advocate
General, Punjab assisted by
Ms. Kavita Joshi, Advocate
for the respondent(s)-State of Punjab.

Mr. Suveer Sheokand, Advocate
for the respondent(s)-SEIAA.

ASHWANI KUMAR MISHRA, J. (ORAL)

1. Petitioners in this Bunch of writ petitions are concessionaires who have been granted mining licence. The mining licence specify the period for which mining would be permissible. In almost all the cases, the period of mining is 3 years. It is undisputed that in terms of the statutory rules and the applicable law, mining can be undertaken only after Environmental Clearance (for short, 'EC') is obtained or approval is obtained from the State Environment Impact Assessment Authority (for short, 'SEIAA'). These permissions can either be temporary or permanent.

The responsibility to obtain the requisite EC or permission from the SEIAA rests with the State of Punjab in terms of the Punjab State Minor Minerals Policy, 2023.

2. The grievance of the petitioners, in this batch of petitions, is that royalty is being charged from them even for the period during which no EC or permission from the SEIAA existed. According to the petitioners, demand of royalty for such period(s) is wholly arbitrary and unsustainable.

3. On the previous occasion, an order dated 05.12.2024 issued by the Department of Mines and Geology under the signatures of the Chief Engineer, Drainage-cum-Mines & Geology, referring to an order passed by the Director, Mines & Geology dated 18.11.2024, was placed before the Court. The said order records as under:

“.....1. The concession period for affected CMS clusters is revised by excluding the period during which the sites remained non-operational due to non-availability of ECs and permission from SEIAA.....”

4. Although the order dated 18.11.2024, in principle, accepted the petitioners' grievance but it did not stipulate extension of the concession period by the duration when no EC or permission from the SEIAA existed. The order dated 05.12.2024 has however provided for it, which is taken on record as 'X'. Registry is directed to tag the same at an appropriate place.

5. The decision of the State, as reflected in orders dated 18.11.2024 and 05.12.2024, is that the period of non-availability of EC or the permission from the SEIAA shall not be treated as part of the

concession period and that the concession period shall stand extended by such duration of non-functioning of mining operation.

6. Having heard learned Senior Counsel for the petitioners and the learned Advocate General, Punjab, we are of the view that this batch of petitions can be conveniently disposed of by directing the Director, Mines, to pass appropriate orders in terms of the decision dated 05.12.2024, regarding extension of concession period during which no EC or permission from the SEIAA existed and consequently mining could not be done. This shall include the period for which impugned demand is raised, by including periods prior to, as well as after, the execution of the Concession Agreement. Necessary orders in this regard shall be passed within two weeks from today.

7. Before concluding, we take on record the concern expressed by the learned Advocate General, Punjab, that due to the interim protection granted in this batch of petitions, the petitioners have avoided payment of the admitted amount of royalty. Although this statement of fact is disputed but without entering into the merits of the factual controversy, we provide that while passing the aforesaid orders, the Director, Mines, shall also indicate the dues outstanding against each of the petitioners in terms of the Concession Agreement as indicated above. We also record the undertaking of the petitioners that the quantified amount, so indicated, shall be paid by them within a further period of two weeks. Failure to pay such amount shall entitle the State authorities to proceed against the petitioners, in accordance with law.

8. With these observations, all the writ petitions are disposed

of.

9. Pending application(s), if any, stand(s) disposed of.

10. Photocopy of this order be placed on the files of other connected cases.

[ASHWANI KUMAR MISHRA]
JUDGE

[ROHIT KAPOOR]
JUDGE

DECEMBER 11, 2025

Poonam Sharma/Rahul Joshi

1. Whether Speaking/reasoned	Yes/No
2. Whether Reportable	Yes/No