



118+121+122

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-22658-2025
Date of Decision: 11.12.2025

M/S KAHLON STONE CRUSHER ..PETITIONER
V/S
STATE OF PUNJAB AND OTHERS ..RESPONDENTS

CWP-16225-2025
Date of Decision: 11.12.2025

M/S INDER STONE CRUSHER ..PETITIONER
V/S
STATE OF PUNJAB AND OTHERS ..RESPONDENTS

CWP-20552-2025
Date of Decision: 11.12.2025

M/S VASHISTH STONE CRUSHER ..PETITIONER
V/S
STATE OF PUNJAB AND OTHERS ..RESPONDENTS

CWP-23514-2025
Date of Decision: 11.12.2025

M/S LUDHIANA STONE CRUSHER AND SCREENING PLANT

..PETITIONER
V/S
STATE OF PUNJAB AND OTHERS ..RESPONDENTS

CWP-25050-2025
Date of Decision: 11.12.2025

M/S SANT STONE CRUSHER ..PETITIONER
V/S
STATE OF PUNJAB AND OTHERS ..RESPONDENTS

CWP-25061-2025
Date of Decision: 11.12.2025

M/S U V STONE CRUSHER ..PETITIONER
V/S
STATE OF PUNJAB AND OTHERS ..RESPONDENTS

CWP-25210-2025

Date of Decision: 11.12.2025

M/S STONE LINKER CRUSHER UDYOG ..PETITIONER

V/S

STATE OF PUNJAB AND OTHERS ..RESPONDENTS

CWP-25598-2025 (O&M)

Date of Decision: 11.12.2025

M/S JAI SHANKER STONE CRUSHER ..PETITIONER

V/S

STATE OF PUNJAB AND OTHERS ..RESPONDENTS

CWP-25956-2025 (O&M)

Date of Decision: 11.12.2025

M/S CAPTAIN STONE CRUSHER AND SCREENING PLANT

..PETITIONER

V/S

STATE OF PUNJAB AND OTHERS ..RESPONDENTS

CWP-26407-2025(O&M)

Date of Decision: 11.12.2025

M/S RUHANI SCREENING AND CRUSHING PLANT

...PETITIONER

V/S

STATE OF PUNJAB THROUGH ITS PRINCIPAL SECRETARY,
DEPARTMENT OF MINES AND GEOLOGY

..RESPONDENT

CWP-27456-2025 (O&M)

Date of Decision: 11.12.2025

M/S HARJI STONE CRUSHER ..PETITIONER

V/S

STATE OF PUNJAB AND OTHERS ..RESPONDENTS

CWP-27950-2025 (O&M)

Date of Decision: 11.12.2025

M/S DOABA CONCRETE PLANT ..PETITIONER

V/S

STATE OF PUNJAB AND OTHERS ..RESPONDENTS

CWP-28083-2025 (O&M)

Date of Decision: 11.12.2025

M/S SHAHI STONE CRUSHER ..PETITIONER

V/S

STATE OF PUNJAB AND OTHERS ..RESPONDENTS

CWP-28557-2025 (O&M)

Date of Decision: 11.12.2025

M/s MALWA CONCRETE PLANT ..PETITIONER

V/S

STATE OF PUNJAB AND OTHERS ..RESPONDENTS

CWP-29763-2025 (O&M)

Date of Decision: 11.12.2025

M/s YOGI STONE CRUSHER AND SCREENING PLANT ...PETITIONER

V/S

STATE OF PUNJAB AND OTHERS ...RESPONDENTS

CWP-29765-2025 (O&M)

Date of Decision: 11.12.2025

M/s SHREE BALAJI INFRAREALCON PRIVATE LIMITED ...PETITIONER

V/S

STATE OF PUNJAB AND OTHERS ...RESPONDENTS

CWP-29847-2025 (O&M)

Date of Decision: 11.12.2025

M/S BRAR STONE ..PETITIONER

V/S

STATE OF PUNJAB AND OTHERS ..RESPONDENTS

CWP-31148-2024 (O&M)

Date of Decision: 11.12.2025

M/S MALWA CONCRETE PLANT ..PETITIONER

V/S

STATE OF PUNJAB AND OTHERS ..RESPONDENTS

CWP-31153-2024 (O&M)

Date of Decision: 11.12.2025

M/S STONE LINKER CRUSHER UDYOG
V/S
STATE OF PUNJAB AND OTHERS

..PETITIONER

..RESPONDENTS

CWP-31251-2024 (O&M)

M/S SANT STONE CRUSHER
V/S
STATE OF PUNJAB AND OTHERS

..PETITIONER

..RESPONDENTS

CWP-31207-2025 (O&M)

NEW SUTLEJ STONE CRUSHER UNIT 1
V/S
STATE OF PUNJAB AND OTHERS

..PETITIONER

..RESPONDENTS

CWP-31254-2025(O&M)
Date of Decision: 11.12.2025

GURU KIRPA STONE CRUSHER
V/S
STATE OF PUNJAB THROUGH ITS PRINCIPAL SECRETARY,
DEPARTMENT OF MINES AND GEOLOGY, PUNJAB

..PETITIONER

..RESPONDENT

CWP-33963-2025 (O&M)
Date of Decision: 11.12.2025

M/S MAHAVIR STONE CRUSHER
V/S
STATE OF PUNJAB AND OTHERS

..PETITIONER

..RESPONDENTS

CWP-8968-2024 (O&M)
Date of Decision: 11.12.2025

SEIGNEUR STONE CRUSHER AND WASHING PLANT
V/S
STATE OF PUNJAB AND OTHERS

...PETITIONER

...RESPONDENTS

CWP-26468-2025 (O&M)
Date of Decision: 11.12.2025

NEELAM STONE CRUSHER AND SCREENING PLANT
V/S
STATE OF PUNJAB AND OTHERS

...PETITIONER

...RESPONDENTS

CWP-31114-2025 (O&M)

Date of Decision: 11.12.2025

M/S MASTER STONE CRUSHER
V/S
STATE OF PUNJAB AND OTHERS

..PETITIONER

..RESPONDENTS

CWP-31123-2025 (O&M)

Date of Decision: 11.12.2025

M/S CHANDIGARH STONE CRUSHER
V/S
STATE OF PUNJAB AND OTHERS

..PETITIONER

..RESPONDENTS

CWP-31127-2025 (O&M)

Date of Decision: 11.12.2025

M/S SOURAV CONCRETES
V/S
STATE OF PUNJAB AND OTHERS

..PETITIONER

..RESPONDENTS

CWP-31133-2025 (O&M)

Date of Decision: 11.12.2025

M/S WALIA STONE CRUSHER AND SCREENING PLANT
V/S
STATE OF PUNJAB AND OTHERS

...PETITIONER

...RESPONDENTS

CWP-31182-2025 (O&M)

Date of Decision: 11.12.2025

M/S MAHADEV STONE CRUSHER
V/S
STATE OF PUNJAB AND OTHERS

..PETITIONER

..RESPONDENTS

CWP-31197-2025 (O&M)

Date of Decision: 11.12.2025

M/S BHARAT STONE CRUSHER
V/S
STATE OF PUNJAB AND OTHERS

..PETITIONER

..RESPONDENTS

CWP-32159-2025 (O&M)
Date of Decision: 11.12.2025

GAD STONE CRUSHER AND SCREENING PLANT
V/S
STATE OF PUNJAB AND OTHERS

..PETITIONER
..RESPONDENTS

CWP-32161-2025 (O&M)
Date of Decision: 11.12.2025

M/S GOLDEN AGGREGATES SCREENING PLANT
V/S
STATE OF PUNJAB AND ORS

..PETITIONER
..RESPONDENTS

CWP-32165-2025 (O&M)
Date of Decision: 11.12.2025

M/S GURU KIRPA STONE CRUSHER
V/S
STATE OF PUNJAB AND ORS

..PETITIONER
..RESPONDENTS

CWP-32179-2025 (O&M)
Date of Decision: 11.12.2025

M/S GILL STONE CRUSHER
V/S
STATE OF PUNJAB AND OTHERS

..PETITIONER
..RESPONDENTS

CWP-32232-2025 (O&M)
Date of Decision: 11.12.2025

RUHANI SCREENING AND CRUSHING PLANT
V/S
STATE OF PUNJAB AND ORS

..PETITIONER
..RESPONDENTS

CWP-32259-2025 (O&M)
Date of Decision: 11.12.2025

MG STONE CRUSHER
V/S
STATE OF PUNJAB AND OTHERS

..PETITIONER
..RESPONDENTS

CWP-32344-2025 (O&M)

Date of Decision: 11.12.2025

M/S RUHANI SCREENING AND CRUSHING PLANT

...PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CWP-32432-2025 (O&M)

Date of Decision: 11.12.2025

SAPTRISHI STONE CRUSHER

..PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

..RESPONDENTS

CWP-32440-2025 (O&M)

Date of Decision: 11.12.2025

GOLDEN AGGREGATES AND SCREENING PLANT

...PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CWP-32536-2025 (O&M)

Date of Decision: 11.12.2025

M/S SAPTRISHI STONE CRUSHER

..PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

..RESPONDENTS

CWP-32604-2025 (O&M)

Date of Decision: 11.12.2025

GR STONE CRUSHER

..PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

..RESPONDENTS

CWP-32605-2025 (O&M)

Date of Decision: 11.12.2025

PANCHKULA STONE CRUSHER

..PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

..RESPONDENTS

CWP-32639-2025 (O&M)
Date of Decision: 11.12.2025

PANCHKULA STONE CRUSHER ..PETITIONER
V/S
STATE OF PUNJAB AND OTHERS ..RESPONDENTS

CWP-33331-2025 (O&M)
Date of Decision: 11.12.2025

GR STONE CRUSHER ..PETITIONER
V/S
STATE OF PUNJAB AND ORS ..RESPONDENTS

CWP-33333-2025 (O&M)
Date of Decision: 11.12.2025

M/S BHARAT STONE CRUSHER ..PETITIONER
V/S
STATE OF PUNJAB AND ORS ..RESPONDENTS

CWP-33338-2025 (O&M)
Date of Decision: 11.12.2025

M/S NEW SUTLEJ STONE CRUSHER UNIT II
V/S
STATE OF PUNJAB AND ORS
...PETITIONER
...RESPONDENTS

CWP-33371-2025 (O&M)
Date of Decision: 11.12.2025

M/S MG STONE CRUSHER ..PETITIONER
V/S
STATE OF PUNJAB AND ORS ..RESPONDENTS

CWP-33377-2025 (O&M)
Date of Decision: 11.12.2025

M/S GURU KIRPA STONE CRUSHER ..PETITIONER
V/S
STATE OF PUNJAB AND ORS ..RESPONDENTS

CWP-33398-2025 (O&M)
Date of Decision: 11.12.2025

M/S SHAH STONE CRUSHER ..PETITIONER
V/S
STATE OF PUNJAB AND ORS ..RESPONDENTS

CWP-33853-2025 (O&M)

Date of Decision: 11.12.2025

GURU KIRPA STONE CRUSHER ..PETITIONER

V/S

STATE OF PUNJAB AND ORS ..RESPONDENTS

CWP-33857-2025 (O&M)

Date of Decision: 11.12.2025

M/S NEW SUTLEJ STONE CRUSHER UNIT 1 ..PETITIONER

V/S

STATE OF PUNJAB AND OTHERS ..RESPONDENTS

CWP-33908-2025 (O&M)

Date of Decision: 11.12.2025

SAI LADDI SHAH SCREENING PLANT ..PETITIONER

V/S

STATE OF PUNJAB AND ORS ..RESPONDENTS

CWP-33916-2025(O&M)

Date of Decision: 11.12.2025

NEW SATLUJ STONE CRUSHER UNIT 1 ..PETITIONER

V/S

STATE OF PUNJAB THROUGH ITS PRINCIPAL SECRETARY,
DEPARTMENT OF MINES AND GEOLOGY, PUNJAB ..RESPONDENT

CWP-33920-2025 (O&M)

Date of Decision: 11.12.2025

M/S SUPREME ENTERPRISES ..PETITIONER

V/S

STATE OF PUNJAB AND OTHERS ..RESPONDENTS

CWP-33922-2025 (O&M)

Date of Decision: 11.12.2025

M/S GN STONE CRUSHER SCREENING PLANT ..PETITIONER

V/S

STATE OF PUNJAB AND OTHERS ..RESPONDENTS

CWP-33923-2025 (O&M)

Date of Decision: 11.12.2025

M/S GILL STONE CRUSHER ..PETITIONER

V/S

STATE OF PUNJAB AND OTHERS ..RESPONDENTS

CWP-33989-2025 (O&M)

Date of Decision: 11.12.2025

NEELAM STONE CRUSHER AND SCREENING PLANT ..PETITIONER

V/S

STATE OF PUNJAB AND OTHERS ...RESPONDENTS

CWP-34342-2025 (O&M)

Date of Decision: 11.12.2025

M/S A.S BRAR STONE CRUSHER ..PETITIONER

V/S

STATE OF PUNJAB AND OTHERS ..RESPONDENTS

CWP-34343-2025 (O&M)

Date of Decision: 11.12.2025

SAI LADDI SHAH SCREENING PLANT ..PETITIONER

V/S

STATE OF PUNJAB AND OTHERS ..RESPONDENTS

CWP-34346-2025 (O&M)

Date of Decision: 11.12.2025

NEW SATLUJ STONE CRUSHER UNIT 1 ..PETITIONER

V/S

STATE OF PUNJAB AND OTHERS ..RESPONDENTS

CWP-34347-2025 (O&M)

Date of Decision: 11.12.2025

M/S GN STONE CRUSHER AND SCREENING PLANT ..PETITIONER

V/S

STATE OF PUNJAB AND OTHERS ...RESPONDENTS

CWP-34350-2025 (O&M)

Date of Decision: 11.12.2025

SUPREME ENTERPRISES ..PETITIONER

V/S

STATE OF PUNJAB AND OTHERS ..RESPONDENTS

CWP-34876-2025 (O&M)

Date of Decision: 11.12.2025

M/S SAT SAHIB STONE CRUSHER ..PETITIONER

V/S

STATE OF PUNJAB AND OTHERS ..RESPONDENTS

CWP-34884-2025 (O&M)

Date of Decision: 11.12.2025

M/S NEW SUTLEJ STONE CRUSHER UNIT II ..PETITIONER

V/S

STATE OF PUNJAB AND OTHERS ..RESPONDENTS

CWP-34887-2025 (O&M)

Date of Decision: 11.12.2025

M/S AKME CRUSHERS AND BUILDERS PVT LTD ..PETITIONER

V/S

STATE OF PUNJAB AND OTHERS ..RESPONDENTS

CWP-34889-2025 (O&M)

Date of Decision: 11.12.2025

M/S GURU NANAK STONE CRUSHER ..PETITIONER

V/S

STATE OF PUNJAB AND OTHERS ..RESPONDENTS

CWP-34895-2025 (O&M)

Date of Decision: 11.12.2025

SAT SAHIB STONE CRUSHER ..PETITIONER

V/S

STATE OF PUNJAB AND ORS ..RESPONDENTS

CWP-34903-2025 (O&M)

Date of Decision: 11.12.2025

M/S SAT SAHIB STONE CRUSHER ..PETITIONER

V/S

STATE OF PUNJAB AND OTHERS ..RESPONDENTS

CWP-35351-2025 (O&M)

Date of Decision: 11.12.2025

SANTOKH SINGH ..PETITIONER

V/S

STATE OF PUNJAB AND OTHERS ..RESPONDENTS

CWP-35806-2025 (O&M)

Date of Decision: 11.12.2025

M/S NEW SUTLEJ STONE CRUSHER UNIT I ..PETITIONER

V/S

STATE OF PUNJAB AND OTHERS ..RESPONDENTS

CWP-35833-2025 (O&M)

Date of Decision: 11.12.2025

GURU KIRPA STONE CRUSHER ..PETITIONER

V/S

STATE OF PUNJAB AND OTHERS ..RESPONDENTS

CWP-35838-2025 (O&M)

Date of Decision: 11.12.2025

M/s SAI STONE CRUSHER ..PETITIONER

V/S

STATE OF PUNJAB AND OTHERS ..RESPONDENTS

121 CWP-35622-2025(O&M)

Date of Decision: 11.12.2025

M/S AKME CRUSHERS AND BUILDERS PVT LTD ...PETITIONER

V/S

STATE OF PUNJAB AND ORS ...RESPONDENTS

122 CWP-35641-2025(O&M)

Date of Decision: 11.12.2025

M/S RUHANI SCREENING AND CRUSHING PLANT ...PETITIONER

V/S

STATE OF PUNJAB AND ORS ...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE ASHWANI KUMAR MISHRA

HON’BLE MR. JUSTICE ROHIT KAPOOR

Present: Mr. Mansur Ali, Sr. Advocate with

Mr. Vaibhav Garg, Advocate, and

Mr. Varinder Dhiman, Advocate,
Mr. Varinder Pal Singh Mithewal, Advocate,
Mr. Harsh Vasu Gupta, Advocate,
Mr. Saurav Bhatia, Advocate,
Mr. Sartaj Singh Thakur, Advocate, for the petitioner(s).

Mr. Ramandeep Singh Pandher, Addl. AG, Punjab.

ASHWANI KUMAR MISHRA, J. (Oral)

1. All the petitions raise common questions of law and facts and have been heard together. They are thus, being disposed of by this common judgment with the consent of learned counsel for the parties. For the sake of brevity, facts are being extracted from CWP-22658-2025. Petitioner in the leading case has challenged demand notice(s) dated 06.08.2024 (Annexure P/2), 07.10.2024 (Annexure P/3) and 25.11.2024 (Annexure P/4), which record that it has processed unauthorized quantity of minor mineral during different months in the year 2024 and demanded the petitioner to pay various amounts as also the order dated 16.05.2025, of Superintending Engineer, Ropar, dismissing the petitioner's appeal arising out of aforesaid demand notice(s). Similar demand notice(s) issued to other petitioners as also the appellate orders passed in some of such cases are assailed in the connected matters.

2. Petitioners in this bunch of writ petitions are the stone crusher units operating in the State of Punjab. They are aggrieved by the demand notice(s) issued to them by the District Mining Officer of the concerned district(s) holding them liable to pay specified sums for alleged violation of the provisions of the Punjab Crusher Policy, 2023 (for short 'the Policy, 2023) or the Punjab Minor Minerals Rules, 2013 (for short 'the Rules, 2013).

2. Notices are issued to the petitioners under the Policy, 2023 for submitting incorrect returns or in Form 'R' of the Rules, 2013 for illegal

mining. It is urged by the petitioners that neither they have been made aware of the exact violations attributed to them nor they are given opportunity to explain their stand and the competent authority has otherwise not determined their liability in accordance with law.

3. In order to deal with the petitioners' grievance, it would be necessary to refer to some of the provisions applicable in the present case. The Rules, 2013 are made pursuant to the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 (for short 'the Act, 1957'). Apart from other aspects, the Rules 2013 regulate assessment of royalty. Rule 85 of the Rules 2013, in this regard, is relevant and is reproduced as under:-

"5. Assessment of royalty. –

(1) If the assessing authority is satisfied without requiring the presence of the assessee or the production by him of any evidence that the returns furnished in Form 'N' in respect of any period are correct and complete, he shall assess the amount of royalty due from the assessee on the basis of such returns and record assessment order in Form 'O'.

(2) If the assessing authority is not satisfied without requiring the presence of the assessee who furnished the returns in Form 'N' or production of evidence that the returns furnished in Form 'N' in respect of any period are correct and complete, he shall serve on such assessee a notice in Form 'P', requiring him on a date and at a place specified therein, to attend in person or to cause to be produced any evidence (on which such assessee may rely) in support of such returns.

(3) In case the assessee having furnished the returns in respect of a period in Form 'N' fails to comply with the terms of the notice in Form 'P' issued under sub- rule (2), the assessing authority shall within three years after the expiry of such period proceed to assess to the best of his judgment, the amount of the

royalty due from the assessee and record the assessment order in Form 'O'.

(4) If an assessee does not furnish the returns in respect of any period by the due date, the assessing authority shall serve a notice upon the assessee in Form 'Q' and after giving the assessee a reasonable opportunity of being heard shall, within a period of three years after the expiry of the said period, proceed to assess to the best of his judgment the amount of royalty if any due from the assessee and record the assessment order in Form 'O'.

(5) If upon information, which has come into his possession the assessing authority is satisfied that any person has raised, without any lawful authority, any minor mineral from any land and has not paid the royalty due therein to the Government, the assessing authority shall within three years after the expiry of the period during which the land was occupied by such person serve on such person a notice in Form 'R' and after giving such person a reasonable opportunity of being heard, proceed to assess to the best of his judgment the amount of royalty due from him. The assessing authority may also pass an order for recovery from such person of the minor minerals so raised or where such minor mineral has already been disposed of, the price thereof.

(6) The amount of royalty due and the price of minor mineral, if any shall be paid by the assessee into the Government treasury by such date as may be specified in the notice in Form 'S' issued by the assessing authority for this purpose and the date so specified shall not be less than thirty days from the date of service of such notice:

Provided that the assessing authority may in respect of any particular assessee and for reasons to be recorded in writing extend the date of such payment or allow the payment of royalty and price, if any, by instalments not exceeding four.

(7) If in consequence of definite information which has come into his possession the assessing authority discovers that an

assessee has been under assessed or escaped assessment of royalty in any year, the assessing authority may, at any time within three years after the expiry of that year re-assess the royalty in Form 'O' after giving the assessee a reasonable opportunity of being heard.

(8) The assessing authority may, at any time, within one year from the date of any order passed by him of his own motion, rectify any clerical or arithmetical mistake apparent from the record and within a like time period rectify any such mistake which has been brought to his notice by any person, affected by such order."

4. Rule 85, aforesaid, would clearly indicate the manner in which assessment of royalty is to be made in different circumstances. In case where the mining is being undertaken by the mining licensee, returns are to be furnished in Form 'N' and assessment orders are to be passed in Form 'O'. Rules of 2013, further provide for the procedure to be followed for passing the order of assessment. Sub-Rule 5 deals with a distinct exigency i.e. of illegal mining. In this case also, a notice in Form 'R' is to be issued only after giving such person reasonable opportunity of being heard and assess the amount of royalty due from him. It is thereafter that the assessing authority can pass an order for recovery from such person of the minor mineral so raised or the price thereof. The amount assessed is then to be paid by the assessee into the government treasury, by such date as may be specified in the notice issued in Form 'S' which shall not be less than 30 days from the date of service of such notice. In appropriate is the assessing authority reserves the right to extend the date of such payment for reasons to be recorded in writing or even allow the payment of royalty and price, by installments not exceeding four.

5. Similarly, the monthly returns submitted by the crusher units under the Policy, 2023, are required to be assessed by an Officer authorized by the Director (Mining) for any deviation on part of the crusher unit, by virtue of Clause 16(c) and (h) of the said policy. Clause 20 of the Crusher Policy, 2023, also provides for a remedy of appeal before the Administrative Secretary, Mines and Geology, State of Punjab. However, in none of the cases where demand is raised for violation of the provisions of the Crusher Policy, 2023, any order of assessment is passed, either.

6. Admittedly, in this bunch of petitions, no orders of assessment are passed referable to Rule 85 of the Rules, 2013 or the Crusher Policy, 2023, as is required. The impugned demand notices only specify the amount which is found due and payable against the petitioner(s) crusher units. The determination of liability of the petitioner(s) under the impugned demand notices are, therefore, not found to be consistent with the requirement of law.

7. Viewed from both the aspects, we find that the impugned demand notices raised by the State of Punjab cannot be allowed to stand in its current form inasmuch as none of the petitioners have been made aware of the nature of demand raised against them in accordance with the applicable procedure nor any opportunity of contest has been given to them. In such circumstances, on this short point alone, the grievance of the petitioners is found to have substance and the writ petitions consequently are liable to succeed.

8. We may also note that in the Rules, 2013, there is a remedy of appeal before the State Geologist. During the pendency of the writ petitions, Rule 87 has been amended and the power of appellate authority is delegated to Superintending Engineer. The appellate orders passed against some of the

petitioners are also assailed in the respective writ petitions. The appeals have been dismissed by the Superintending Engineer. At the time when such orders were passed in appeal, the Superintending Engineer was not the appropriate appellate authority under Rule 87 of the Rules, 2013. Even otherwise, we find that these orders passed in appeal by the Superintending Engineer as appellate authority, cannot be sustained once it is found that the liability of the petitioners has not been determined in accordance with the procedure prescribed by passing appropriate orders of assessment and this aspect has completely been glossed over.

9. For coming to the conclusion that appropriate procedure has not been followed before demand notices were issued to the petitioners, we find support from the observations made by a Coordinate Bench of this Court in the case of **Manpreet Singh vs. State of Punjab and others**, CWP-11054-2020, decided on 06.08.2020. The Division Bench has held that compliance with Section 85(5) of the Punjab Mines and Minerals Rules, 2013, is essential before a demand of royalty could be raised. The observations made by the Division Bench in paras No.18 and 19 are reproduced herein after:-

18. The Court is unable to agree with this contention. Clearly, Form 'S', which is titled 'Demand Notice', does not even read like an assessment order. By no stretch of imagination, can this demand notice in Form 'S' be considered to be an assessment order. The contention is, therefore, rejected. The inevitable conclusion is that the mandatory requirement of passing an assessment order in terms of Rule 85 (5) of the Rules prior to raising a demand, has not been complied with by the Respondents.

19. A perusal of the order dated 3rd July, 2020 rejecting the Petitioner's appeal, reveals that this violation of Rule 85 (5) of the Rules has not been noticed by the Director who passed the

order. As a matter of fact, the aforesaid order notices but does not decide many of the Petitioner’s contentions raised in the said appeal.”

10. In view of the analysis and discussions, aforesaid, we allow all the writ petitions and consequently the demand notices as well as the orders passed in appeals, which are impugned in respective writ petitions, are quashed. The State of Punjab shall, however, be at liberty to proceed against the petitioners by scrupulously following the procedure laid down for determination of royalty either for violation of Rules, 2013 or Crusher Policy, 2023, by passing appropriate orders of assessment in accordance with law. For such purposes, the State of Punjab shall also be at liberty to issue notices specifying the nature of violation attributed to each of the petitioners, in terms of the rules/policy, wherever applicable, giving the petitioners a reasonable opportunity of hearing, in the matter.

11. The writ petitions are consequently allowed. No orders are passed as to costs.

12. All pending misc. application(s), if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

11.12.2025
rajesh

1. Whether speaking/reasoned?

:

Yes/No
2. Whether reportable?

:

Yes/No