

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No.1504 of 2016

Order reserved on: 13-11-2017

Order delivered on: 24-11-2017

1. Jindal Steel & Power Limited, having its Registered Office at Delhi Road, Hissar, Haryana, Also at: PB # 16, Kharsia Road, Police Station Raigarh – 496 001 (C.G.), Through its Authorised Signatory (Mr. Indrapreet Singh, Manager – CMG at Jindal Steel & Power Limited, Raigarh (C.G.)
2. Mr. Rajat Saha, S/o Late Shri Rajendra Saha, Aged about 49 years, Shareholder in JSPL, R/o JG – 13, Jindal Garh, JSPL, Raigarh (C.G.)

---- Petitioners

Versus

1. State of Chhattisgarh, Through Collector, Mineral Resources Department, Mahanadi Bhawan, Naya Raipur
2. Union of India, Through Chief Secretary, Ministry of Mines, Shastri Bhawan, New Delhi – 110 001
3. South Eastern Coalfields Limited, Office of the Chief General Manager, Raigarh Area, P.B.No.27, P.O. Raigarh, Distt. Raigarh (C.G.) 496 001

---- Respondents

WPC No.2573 of 2016

Bharat Benification & Power Private Limited, A company duly incorporated under the provisions of the Companies Act. 1956 having its Corporate Office and Works at North Chakradhar Nagar, Raigarh (C.G.)

---- Petitioner

Versus

1. Union of India, through its Secretary, Ministry of Mines, Government of India, Shastri Bhawan, Dr. Rajendra Prasad Road, New Delhi – 110 001.
2. South Eastern Coalfields Limited, through General Manager (Sales & Marketing), Post Office SECL, Seepat Road, Civil & Revenue District Bilaspur (C.G.), Police Station Sarkanda, Bilaspur, Pin – 495 006.

3. State of Chhattisgarh, through Secretary, Mineral Resources Department, Government of Chhattisgarh, Mahanadi Bhawan, Mantralaya, Naya Raipur, Civil & Revenue District Raipur (C.G.), Pin – 492 002.
4. Director, Directorate of Geology and Mining, Second Floor, D Block Indravati Bhawan, Capital Complex, Naya Raipur (C.G.)  
---- Respondents

WPC No.5 of 2016

Bharat Benifcation & Power Pvt. Limited, Through its Director Bharat Agrawal, Near P.H.E. Office, North Chakradhar Nagar, District Raigarh (C.G.)

---- Petitioner

Versus

1. Union of India, Through Secretary, Ministry of Mines, Shastri Bhawan, New Delhi.
2. Secretary, Ministry of Coal, Shastri Bhawan, New Delhi
3. State of Chhattisgarh, Through the Secretary, Department of Minerals Developments, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (C.G.)
4. Collector, Raigarh, District Raigarh (C.G.)
5. South Eastern Coalfields Limited, Through Chairman-cum-Managing Director, S.E.C.L., Seepat Road, Bilaspur (C.G.)
6. Chief General Manager, South Eastern Coalfields Limited, Raigarh Area, District Raigarh (C.G.)
7. Area Sales Manager, Department of Area Sales and Marketing, South Eastern Coalfields Limited, Raigarh Area, District Raigarh (C.G.)

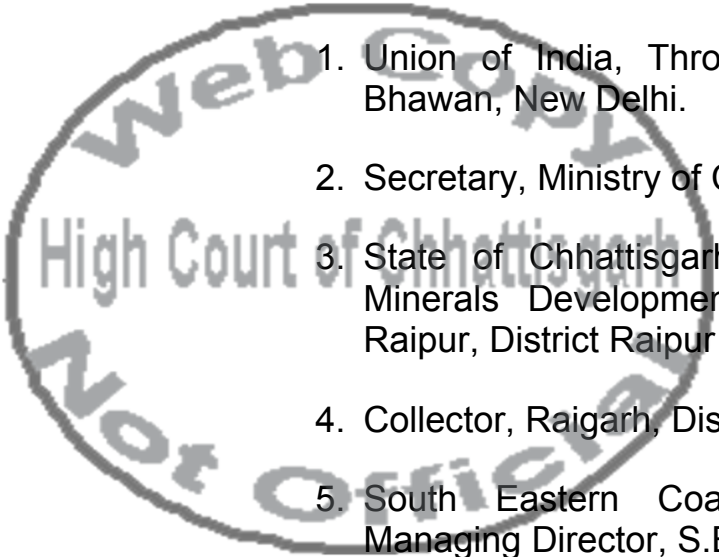
---- Respondents

WPC No.107 of 2017

Shree Nakoda Ispat Limited, a company incorporated under the Companies Act, Registered Office at Near Railway Crossing, Mova, Vidhan Sabha Road, Raipur (C.G.), through its Director Shri Anant Dave, age about 48 years, S/o A.B. Dave, R/o Anand Niketan, Avanti Vihar, Raipur, District Raipur (C.G.)

---- Petitioner

Versus



1. Union of India, through the Secretary, Ministry of Mines, Shastri Bhawan, Dr Rajendra Prasad Road, New Delhi – 110 001.
2. Chairman-cum-Managing Director, South Eastern Coalfields Limited, Seepat Road, PO SECL, Bilaspur (C.G.) 495 006.
3. State of Chhattisgarh, through the Secretary, Mineral Resource Department, Mahanadi Bhawan, Naya Raipur (C.G.)

---- Respondents

WPC No.245 of 2016

Coalman Logistics (I) Pvt. Ltd., Registered Office at Shiv Mandir Road, Vidya Nagar, Bilaspur (C.G.) 495 001, through its Director Shri Rajkumar Kedia, S/o Shri Bajranglal Kedia, aged about 56 years, R/o Opposite Agrawal Bhawan, Shiv Mandir Road, Vidya Upnagar, Bilaspur (C.G.)

---- Petitioner

Versus

1. Union of India, through the Secretary, Ministry of Coal, A-Wing, Shastri Bhawan, Dr. Rajendra Prasad Road, New Delhi – 110 001.
2. South Eastern Coalfields Limited, Seepat Road, P.O. SECL, Bilaspur (C.G.), through its General Manager (Sales and Marketing)/Head of the Department, SECL, Bilaspur (C.G.)
3. State of Chhattisgarh, Through the Secretary, Department of Mines and Minerals Development, Mantralaya, Mahanadi Bhawan, Naya Raipur (C.G.)

---- Respondents

WPC No.393 of 2016

N.R. Ispat and Power Private Limited, A Private Company incorporated under the provisions of Companies Act, 1956, having its registered office at C/o Mr. Om Prakash Agrawal, House No.286, Padampur Road, Basna, District Mahasamund (C.G.), also having its office at Shop No.E1, 1<sup>st</sup> Floor, Krishna Shopping Mall, Chaitanya Nagar, Raigarh, Thana Kotwali, Tehsil and District Raigarh (C.G.), through its Director Shri Sanjay Agrawal, S/o Shri Nand Kishore Agrawal, aged about 43 years.

---- Petitioner

Versus

1. Union of India, through Secretary, Ministry of Mines, Shastri Bhawan, New Delhi – 110 001.
2. Secretary, Ministry of Coal, Shastri Bhawan, New Delhi – 110 001.

3. State of Chhattisgarh, through Secretary, Mineral Resources Department, Mahanadi Bhawan, Mantralaya, New Raipur (C.G.)
4. South Eastern Coalfields Limited, A Company registered under the Companies Act, 1956 having its registered office at SECL Bhawan, Seepat Road, Bilaspur, District Bilaspur (C.G.). Through its Chairman-cum-Managing Director.
5. Chief General Manager, Raigarh Area, South Eastern Coalfields Ltd., Raigarh (C.G.)
6. Area Sales Manager (Area Sales & Marketing Department), Office of the Chief General Manager, Raigarh Area, South Eastern Coalfields Ltd., Raigarh (C.G.)

---- Respondents

WPC No.333 of 2017

Hind Unitrade Private Limited, Regd. Office: Bangla No.2, Avani Vihar, Daldal Sivani, Mova Road, Raipur (C.G.) Through Authorised Signatory Mr. Kamlesh K. Barai, aged about 61 years, S/o Late Shri K.N. Barai, Senior Liaisoning Officer, R/o Tikrapara, Behind 16 Kholi, Bilaspur, Distt. Bilaspur (C.G.)

---- Petitioner

Versus

1. Union of India, Through the Secretary, Ministry of Coal, A-Wing, Shastri Bhawan, Dr. Rajendra Prasad Road, New Delhi – 110 001.
2. South Eastern Coalfields Limited, Seepat Road, PO SECL, Bilaspur (C.G.), Through its General Manager (Sales and Marketing)/Head of the Department, SECL, Bilaspur (C.G.)
3. State of Chhattisgarh, Through the Secretary, Department of Mines and Mineral Development, Mantralaya, Mahanadi Bhawan, Naya Raipur (C.G.)

---- Respondents

WPC No.383 of 2017

1. M/s. Vivek Coal Suppliers, having its registered office at Dhanuva, Rewa Road, Allahabad ( U.P.) Proprietor Smt. Kanak Lata Jaiswal, through its Authorised Signatory Mr. Lav Babu Jaiswal, S/o Late Shri Arun Kumar Jaiswal, aged about 32 years, R/o 38-C/50C, Khalasi Lane, Kydganj, Allahabad (U.P.)
2. M/s. Prayag Fuels, having its registered office at 282, Nai Basti, Manmohan Nagar, Kydganj, Allahabad (U.P.) Proprietor Dinesh Kumar Jaiswal, through its Authorised Signatory Mr. Lav Babu Jaiswal, S/o Late Shri Arun Kumar Jaiswal, aged about 32 years, R/o 38-C/50C, Khalasi Lane, Kydganj, Allahabad (U.P.)

3. M/s. Yashoda Enterprises, having its registered office at 82, Pura Baldi, Kydganj, Allahabad, Proprietor Dharmendra Kumar Jaiswal, through its Authorised Signatory Mr. Lav Babu Jaiswal, S/o Late Shri Arun Kumar Jaiswal, aged about 32 years, R/o 38-C/50C, Khalasi Lane, Kydganj, Allahabad (U.P.)
4. M/s. Shivam Traders, having its registered office at 670/466, Krishna Nagar, Kydganj, Allahabad (U.P.) Proprietor Rishabh Jaiswal, through its Authorised Signatory Mr. Lav Babu Jaiswal, S/o Late Shri Arun Kumar Jaiswal, aged about 32 years, R/o 38-C/50C, Khalasi Lane, Kydganj, Allahabad (U.P.)
5. Shri Durga Traders, having its registered office at Dhanuha Rewa Road, Allahabad (U.P.) Proprietor Shailendra Kumar Jaiswal, through its Authorised Signatory Mr. Lav Babu Jaiswal, S/o Late Shri Arun Kumar Jaiswal, aged about 32 years, R/o 38-C/50C, Khalasi Lane, Kydganj, Allahabad (U.P.)
6. M/s. Lala Coal Depot, having its registered office at Gaddopur-Phaphamau, Allahabad (U.P.) Proprietor Noor Mohammad, through its Authorised Signatory Mr. Lav Babu Jaiswal, S/o Late Shri Arun Kumar Jaiswal, aged about 32 years, R/o 38-C/50C, Khalasi Lane, Kydganj, Allahabad (U.P.)
7. M/s. S.K. Coal Depot, having its registered office at 455/1, Gaddopur, Fafamahu, Allahabad (U.P.) Proprietor Sanjay Kumar Khatri, through its Authorised Signatory Mr. Lav Babu Jaiswal, S/o Late Shri Arun Kumar Jaiswal, aged about 32 years, R/o 38-C/50C, Khalasi Lane, Kydganj, Allahabad (U.P.)
8. M/s. Maa Jagdamba Trading Company, having its registered office at 38-C/50-C, K.L. Kydganj, Allahabad (U.P.) Proprietor Urmila Devi Jaiswal, through its Authorised Signatory Mr. Lav Babu Jaiswal, S/o Late Shri Arun Kumar Jaiswal, aged about 32 years, R/o 38-C/50C, Khalasi Lane, Kydganj, Allahabad (U.P.)
9. M/s. Satyam Traders, having its registered office at Bhandra, Umarganj, Allahabad (U.P.) Proprietor Shalabh Jaiswal, through its Authorised Signatory Mr. Lav Babu Jaiswal, S/o Late Shri Arun Kumar Jaiswal, aged about 32 years, R/o 38-C/50C, Khalasi Lane, Kydganj, Allahabad (U.P.)
10. M/s. Jaiswal Coal Suppliers, having its registered office at Dhanuha Rewa Road, Allahabad (U.P.) Proprietor Anand Kumar Jaiswal, through its Authorised Signatory Mr. Lav Babu Jaiswal, S/o Late Shri Arun Kumar Jaiswal, aged about 32 years, R/o 38-C/50C, Khalasi Lane, Kydganj, Allahabad (U.P.)
11. M/s. Ramdas Om Prakash, having its registered office at Dhanuha Rewa Road, Allahabad (U.P.) Proprietor Shakuntala Jaiswal, through its Authorised Signatory Mr. Lav Babu Jaiswal, S/o Late



Shri Arun Kumar Jaiswal, aged about 32 years, R/o 38-C/50C,  
Khalasi Lane, Kydganj, Allahabad (U.P.)

---- Petitioners

Versus

1. Union of India, Through the Secretary, Ministry of Coal, Shastri Bhawan, Dr. Rajendra Prasad Road, New Delhi – 110 001.
2. South Eastern Coalfields Limited, Seepat Road, P.O. SECL, Bilaspur (C.G.) 495 006, through its Chairman-cum-Managing Director.
3. State of Chhattisgarh, through the Secretary, Mineral Resources Department, Mahanadi Bhawan, Naya Raipur (C.G.)

---- Respondents

WPC No.411 of 2017

M/s. Sukhi Trading Company, having its registered office at Near Sabji Mandi, Burhar, Distt. Sahdol (M.P.) Proprietor Shri Dinesh Talreja, through its Authorised Signatory Mr. Lav Babu Jaiswal, S/o Late Shri Arun Kumar Jaiswal, aged about 32 years, R/o 38-C/50C, Khalasi Lane, Kydganj, Allahabad (U.P.)

---- Petitioner

Versus

1. Union of India, through the Secretary, Ministry of Coal, Shastri Bhawan, Dr. Rajendra Prasad Road, New Delhi 110 001.
2. South Eastern Coalfields Limited, Seepat Road, P.O. SECL, Bilaspur (C.G.) 495 006, through Its Chairman-cum-Managing Director.
3. State of Chhattisgarh, through the Secretary, Mineral Resources Department, Mahanadi Bhawan, Naya Raipur (C.G.)

---- Respondents

WPC No.458 of 2017

M/s Shyam Metallics & Energy Ltd., A company duly incorporated under the provisions of the Companies Act, 1956 having its registered office at "Trinity Tower", 7<sup>th</sup> Floor, 83, Tapsia Road, Kolkata – 700 046

---- Petitioner

Versus

1. Union of India, through its Secretary, Ministry of Mines, Government of India, Shastri Bhawan, Dr. Rajendra Prasad Road, New Delhi – 110 001.

2. State of Chhattisgarh, through Secretary, Mineral Resources Department, Government of Chhattisgarh, Mahanadi Bhavan, Mantralaya, Naya Raipur, Civil & Revenue District Raipur (C.G.), Pin – 492 002.
3. South East Coalfields Ltd., through its CMD, SECL Headquarter, Seepat Road, Bilaspur (C.G.)
4. Director, Directorate of Geology and Mining, 2<sup>nd</sup> Floor, Indravati Bhawan, Naya Raipur, District Raipur (C.G.)

---- Respondents

WPC No.464 of 2017

M/s Anupam, Through its Sole Proprietor, Mr. Indrasen Garg, Having its registered office at Bhaiyathan Road, Surajpur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through Collector, Mineral Resources Department, Mahanadi Bhawan, Naya Raipur.
2. Union of India, Through Chief Secretary, Ministry of Mines, Shastri Bhawan, New Delhi – 110 001.
3. South Eastern Coalfields Limited, Office of the Chief General Manager, Bishrampur Area, P.O. Bishrampur Colliery, Distt. Sarguja (C.G.) 497226

---- Respondents

WPC No.1506 of 2016

1. Nalwa Steel & Power Limited, Having its Registered Office at 28, Najafgarh Road, New Delhi – 110 015, Also at: P.B.No.7, Gharghoda Road, Taraimal, Raigarh – 496 001 (C.G.), Through its Authorised Signatory Mr. S K Soni, AGM – Raw Material in Nalwa Steel & Power Limited, Raigarh (C.G.)
2. Mr. S.S. Rathi, S/o Shri Lakhmir Singh Rathi, Aged about 53 years, Director in Nalwa Steel & Power Limited, Raigarh (C.G.)

---- Petitioners

Versus

1. State of Chhattisgarh, Through Collector, Mineral Resources Department, Mahanadi Bhawan, Naya Raipur
2. Union of India, Through Chief Secretary, Ministry of Mines, Shastri Bhawan, New Delhi – 110 001
3. South Eastern Coalfields Limited, Office of the Chief General

Manager, Raigarh Area, P.B.No.27, P.O. Raigarh, Distt. Raigarh  
(C.G.) 496 001

---- Respondents

WPC No.1606 of 2016

1. Arpa Fuel Pvt. Ltd., Mittal Chambers, Link Road, Bilaspur (C.G.), Through its Director Vinod Kumar Mittal, S/o Shri Durga Prasad Mittal, Aged about 45 years, R/o R-3, Vinoba Nagar, Bilaspur (C.G.)
2. Mittal Tradelink Pvt. Ltd., Mittal Chambers, Link Road, Bilaspur (C.G.), Through its Director Pramod Kumar Mittal, S/o Shri Durga Prasad Mittal, Aged about 41 years, R/o R-3, Vinoba Nagar, Bilaspur (C.G.)
3. Balaji Coal & Scrap, Opp. Shri Ram Towers, Vyapar Vihar, Bilaspur (C.G.), Through its Partner Jay Prakash Agrawal, S/o Shri Hemant Kumar Agrawal, Aged about 37 years, R/o Plot No.30, Mahima Vihar, Bilaspur (C.G.)
4. M/s. Coal India, Vyapar Vihar, Bilaspur (C.G.), Through its Proprietor Deepak Agrawal, S/o Shri Rajesh Agrawal, Aged about 27 years, R/o Near Agrawal Bhawan, Vidya Nagar, Bilaspur (C.G.)
5. Natural Coal & Beneficial, Vyapar Vihar, Bilaspur (C.G.), Through its Proprietor Ankit Agrawal, S/o Shri Santosh Agrawal, Aged about 30 years, R/o Near Agrawal Bhawan, Vidya Nagar, Bilaspur (C.G.)
6. Ambika Tradelink, Narmada Nagar, Bilaspur (C.G.), Through its Proprietor Kailash Chand Agrawal, S/o Shri Jagdish Prasad Agrawal, Aged about 56 years, Narmada Nagar, Bilaspur (C.G.)
7. Ambika Traders, Narmada Nagar, Bilaspur (C.G.), Through its Proprietor Shubham Agrawal, S/o Shri Kailash Chand Agrawal, Aged about 26 years, Narmada Nagar, Bilaspur (C.g.)
8. Balaji Tradezone (P) Ltd., Plot No.30, Mahima Vihar, Bilaspur (C.G.), Through its Director Jay Prakash Agrawal, S/o Shri Hemant Kumar Agrawal, Aged about 37 years, R/o Plot No.30, Mahima Vihar, Bilaspur (C.G.)
9. Moonlight Commtrade Pvt. Ltd., Vyapar Vihar, Bilaspur (C.G.), Through its Director Ankit Agrawal, S/o Shri Santosh Agrawal, Aged about 30 years, R/o Near Agrawal Bhawan, Vidya Nagar, Bilaspur (C.G.)
10. Puja Enterprises, Vyapar Vihar, Bilaspur (C.G.), Through its Proprietor Ashish Agrawal, S/o Shri Bajranglal Agrawal, Aged about 33 years, R/o Near Agrawal Bhawan, Vidya Nagar, Bilaspur (C.G.)



11. Agarwal Coal Corporation Private Limited, Regd. Office: "Matra Kripa", 2, Chameli Park, Near Goyal Nagar, Ring Road, Indore (M.P.), Local Office: Green Park Colony, Jarhabhata, Bilaspur (C.G.), Through its authorized signatory Shri Pradeep Namdev, Senior Manager, Bilaspur, S/o Late Shri Durga Prasad Namdev, Aged about 55 years, R/o Green Park Colony, Jarhabhata, Bilaspur (C.G.)
12. Agarwal Fuel Corporation Private Limited, Regd. Office: "Agarwal House", 2<sup>nd</sup> Floor, 5, Yeshwant Colony, Indore (M.P.) Local Office: Green Park Colony, Jarhabhata, Bilaspur (C.G.), Through its authorized signatory Shri Pradeep Namdev, Senior Manager, Bilaspur, S/o Late Shri Durga Prasad Namdev, Aged about 55 years, R/o Green Park Colony, Jarhabhata, Bilaspur (C.G.)

---- Petitioners

Versus

1. Union of India, Through the Secretary, Ministry of Mines, Shastri Bhawan, Dr. Rajendra Prasad Road, New Delhi – 110 001.
2. South Eastern Coalfields Limited, Seepat Road, PO SECL, Bilaspur (C.G.), Through its General Manager (Sales and Marketing) / Head of the Department, SECL, Bilaspur (C.G.)
3. State of Chhattisgarh, Through the Secretary, Department of Mines and Mineral Development, Mantralaya, Mahanadi Bhawan, Naya Raipur (C.G.)

---- Respondents

WPC No.1626 of 2016

1. Jindal Power Limited, having its Registered Office at P.O. Tamnar, District Raigarh (C.G.) - 496 107, Also having its Corporate Office at Jindal Centre, 12, Bhikaji Cama Place, New Delhi – 110 066, Through its Authorised Signatory (Mr. Ajay Agarwal, Associate Vice President, Jindal Power Ltd.)
2. Mr. Rajeev Bhadauria, S/o Shri Rupendra Narain Singh Bhadauria, Aged about 55 years, Shareholder of Jindal Power Ltd., R/o 1132, Pocket – A, Sector – A, Vasant Kunj, New Delhi

---- Petitioners

Versus

1. State of Chhattisgarh, Through Collector, Mineral Resources Department, Mahanadi Bhawan, Naya Raipur
2. Union of India, Through Chief Secretary, Ministry of Mines, Shastri Bhawan, New Delhi – 110 001

3. South Eastern Coalfields Limited, Office of the Chief General Manager, Raigarh Area, P.B.No.27, P.O. Raigarh, Distt. Raigarh (C.G.) 496 001

---- Respondents

WPC No.2851 of 2016

1. M/s. Jai Durga Multi-Trade Pvt. Ltd., Old Bus Stand, Nepal Lodge Gali, Ambikapur, Surguja (C.G.), Through its Director Bijendra Kumar Gupta, S/o Late Shri Munshi Prasad Gupta, aged about 55 years, R/o Old Bus Stand, Nepal Lodge Gali, Ambikapur, Surguja (C.G.)
2. M/s. Khemka Holdings Pvt. Ltd., Old Bus Stand, Nepal Lodge Gali, Ambikapur, Surguja (C.G.), Through its Director Bijendra Kumar Gupta, S/o Late Shri Munshi Prasad Gupta, aged about 55 years, R/o Old Bus Stand, Nepal Lodge Gali, Ambikapur, Surguja (C.G.)
3. Reliable Sponge Pvt. Ltd., C/o Dua & Dua, Bisra Road, Rourkela, Distt. Sundargarh (Odisha), Through its Director Rajendra Kumar Dua, S/o Shri A.L. Dua, aged about 61 years, R/o H-16, Civil Township, Rourkela, Distt. Sundargarh (Odisha).

---- Petitioners

Versus

1. Union of India, Through the Secretary, Ministry of Coal, A-Wing, Shastri Bhawan, Dr. Rajendra Prasad Road, New Delhi – 110 001.
2. South Eastern Coalfields Limited, Seepat Road, PO SECL, Bilaspur (C.G.), Through its General Manager (Sales and Marketing) / Head of the Department, SECL, Bilaspur (C.G.)
3. State of Chhattisgarh, Through the Secretary, Department of Mines and Mineral Development, Mantralaya, Mahanadi Bhawan, Naya Raipur (C.G.)

---- Respondents

WPC No.2894 of 2016

1. Real Ispat & Power Ltd., Urla Bendri Road, Village Borjhara, Raipur, Distt. Raipur (C.G.)
2. Shivalay Ispat & Power Pvt. Ltd., Guma Urla Road, Village Kara, Raipur, Distt. Raipur (C.G.)
3. API Ispat & Powertech (P) Ltd., Near Industrial Growth Centre, Phase II, Siltara, Raipur, Distt. Raipur (C.G.)

*All three petitioners are represented through Mr. Ritesh Jindal who is a Director in the Petitioner No.1 & 2 and Vice President of the Petitioner No.3.*

All through Mr. Ritesh Jindal, aged about 38 years, S/o Shri Kuldeep Chand Agrawal, R/o B-103/104, CG Heights, Opp. Kalyan Gas Godown, Mowa, P.S. Pandri, Raipur, Distt. Raipur (C.G.)

---- Petitioners

Versus

1. Union of India, Through the Secretary, Ministry of Coal, A-Wing, Shastri Bhawan, Dr. Rajendra Prasad Road, New Delhi – 110 001.
2. South Eastern Coalfields Limited, Seepat Road, PO SECL, Bilaspur (C.G.), Through its General Manager (Sales and Marketing) / Head of the Department, SECL, Bilaspur (C.G.)
3. State of Chhattisgarh, Through the Secretary, Department of Mines and Mineral Development, Mantralaya, Mahanadi Bhawan, Naya Raipur (C.G.)

---- Respondents

AND

WPC No.3176 of 2016

Prakash Industries Ltd., Hathneora, Tehsil Champa, Distt. Janjgir Champa (C.G.), Through Mr. Arun Kumar Singh, aged about 50 years, S/o Late Shri Shiv Dayal Singh, Senior General Manager (Corporate Affairs), R/o 15, VIP City, Rajiv Vihar, Seepat Road, Bilaspur, Distt. Bilaspur (C.G.)

---- Petitioner

Versus

1. Union of India, Through the Secretary, Ministry of Coal, A-Wing, Shastri Bhawan, Dr. Rajendra Prasad Road, New Delhi – 110 001.
2. South Eastern Coalfields Limited, Seepat Road, PO SECL, Bilaspur (C.G.), Through its General Manager (Sales and Marketing) / Head of the Department, SECL, Bilaspur (C.G.)
3. State of Chhattisgarh, Through the Secretary, Department of Mines and Mineral Development, Mantralaya, Mahanadi Bhawan, Naya Raipur (C.G.)

---- Respondents

For Petitioners:

Mr. Bhaskar Payashi, Ms. Shruti Choudhary,  
Mr. Sumesh Bajaj, Mr. Harsh Wardhan,  
Mr. Shailendra Dubey, Mr. Maneesh Sharma,  
Mr. Amrito Das, Mr. Rahul Sharma, Mr. Rohit  
Sharma, Mr. Shobhit Koshta, Mr. Himanshu  
Sharma, Mr. Suyash Dhar, Mr. Himanshu Sinha,  
Ms. Priyanka Mehta, Mr. Chandradeep Prasad  
and Mr. Shivang Dubey, Advocates.

For State: Mr. Shashank Thakur, Govt. Advocate.  
For Union of India: Mr. B. Gopa Kumar, Assistant Solicitor General of India.  
For SECL: Mr. Shailendra Shukla, Mr. Vaibhav Shukla and Mr. Rahul Kumar, Advocates.

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Hon'ble Shri Justice Sanjay K. Agrawal

C.A.V. Order

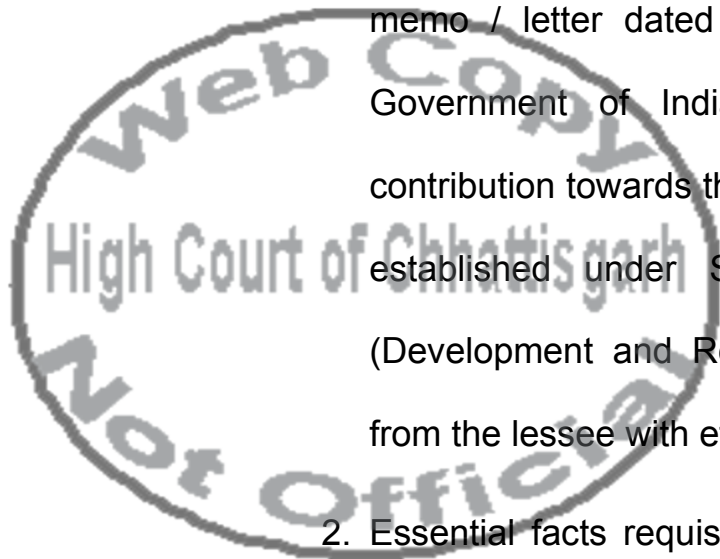
1. In this batch of writ petitions, in which common question of law and fact is involved therefore they are clubbed together and are being decided by common order, the petitioners seek to challenge the memo / letter dated 14-9-2015 by which the Secretary to the Government of India, Ministry of Mines, has directed that contribution towards the National Mineral Exploration Trust (NMET) established under Section 9C of the Mines and Minerals (Development and Regulation) Act, 1957 needs to be collected from the lessee with effect from 12-1-2015.

2. Essential facts requisite to adjudicate the *lis* between the parties are as under: -

(Facts of W.P.(C)No.1504/2016 are taken for adjudication)

2.1) The Union of India by amendment in the Mines and Minerals (Development and Regulation) Act, 1957 (for short, 'the MMDR Act') introduced an amendment by Amendment Act 10 of 2015 inserting Sections 9B and 9C providing for establishment of District Mineral Foundation and National Mineral Exploration Trust, respectively, and contribution to be made to the said Trusts.

2.2) In this batch of writ petitions, the Court is concerned with the



National Mineral Exploration Trust (NMET), as the question of contribution towards District Mineral Foundation has already been decided by Their Lordships of the Supreme Court in Transferred Case (Civil) No.43/2016 (**Federation of Indian Mineral Industries and others v. Union of India and another**<sup>1</sup>).

2.3) The Central Government in accordance with Section 9C (1) to (4) of the MMDR Act, framed rules known as the National Mineral Exploration Trust Rules, 2015 (for short, 'the NMET Rules'), which came into force with effect from 14-8-2015, in exercise of its rule making power conferred under Section 13 (1) of the MMDR Act. The Central Government also simultaneously constituted a Trust called as the National Mineral Exploration Trust with a governing body and executive committee with effect from 14-8-2015 and brought into force from the same date. Thereafter, the Secretary to the Government of India, Ministry of Mines, by its demi-official letter dated 14-9-2015 informed to the Chief Secretary of the State of Chhattisgarh that since the amended provisions of the MMDR Act came into force from 12-1-2015, the liability of payment towards the NMET Fund accrues from 12-1-2015 on all royalty payments, therefore, the amount due towards the NMET Fund needs to be collected from the lessee with effect from 12-1-2015. In compliance of the said memo / demi-official letter, recovery notices have been issued by the respondents directing that NMET is payable @ 2% of the royalty applicable from 12-1-

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1 2017 SCC OnLine SC 1237

2015.

2.4) In the aforesaid background, the demi-official letter dated 14-9-2015 and the demand notice dated 21-1-2016 have been called in question in this batch of writ petition stating inter alia that the rules indicating the manner of payment of contribution towards NMET have come into force with effect from 14-8-2015 and the NMET has been constituted with effect from 14-8-2015 and therefore no contribution towards the NMET can be recovered prior to 14-8-2015 and as such, the demand notice issued on that count and the consequent recovery are liable to be quashed.

2.5) The Supreme Court by its order dated 30-8-2017 passed in Transferred Case (Civil) No.43/2016 (Federation of Indian Mineral Industries v. Union of India and another), has given liberty to the parties to approach the High Court so far as the NMET is concerned.

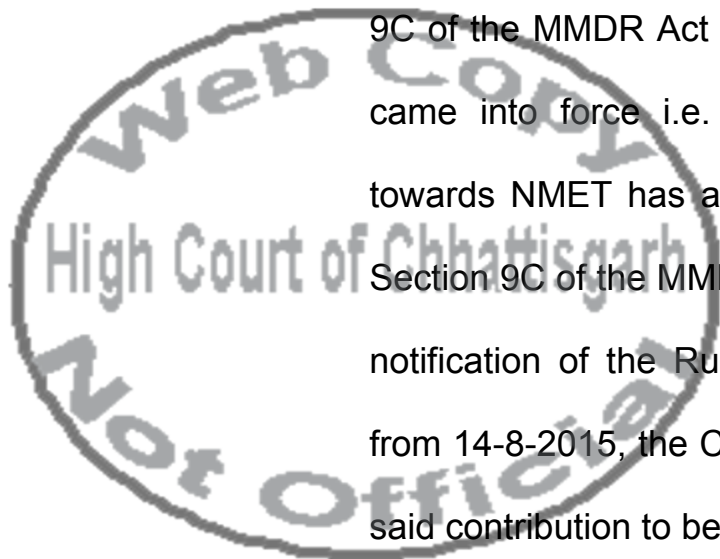
3. No return has been filed on behalf of the respondents, though opportunity was granted from time to time to file counter-affidavit.
4. Mr. Bhaskar Payashi and Ms. Shruti Choudhary, learned counsel, opening argument on behalf of the writ petitioners, would submit that prescription of the date of recovering contribution of NMET from 12-1-2015 is contrary to the facts and law declared by the Supreme Court in **Federation of Indian Mineral Industries** (supra). They would also submit that under Section 9C of the MMDR Act, the Central Government has to establish a Trust, by notification, called as the National Mineral Exploration Trust and

the manner of payment of contribution to the said Trust which is claimed to be 2% of the royalty has to be prescribed by the Central Government which the Central Government has prescribed by enacting rules under the powers conferred under Section 13(2) (qqd) of the MMDR Act and in terms of Rule 7(3) of the NMET Rules. Therefore, once the Central Government has established the Trust with effect from 14-8-2015 and the manner of making payment has also been prescribed by enacting the rules, the amount towards contribution of the Trust will be recovered from 14-8-2015 only, as no retrospective effect can be given to recovery of the said contribution in view of the latest judgment of the Supreme Court in Federation of Indian Mineral Industries (supra). Therefore, the impugned notice and the declaration made by the Secretary to the Government of India, Ministry of Mines deserve to be quashed.

5. Mr. Sumesh Bajaj, learned counsel for the petitioners appearing in W.P.(C)Nos.333/2017, 1606/2016, 2851/2016, 2894/2016 and 3176/2016, would submit that the word “prescribed” as mentioned in sub-section (4) of Section 9C of the MMDR Act, has been defined in Section 3(f) of the MMDR Act which means prescribed by rules made under this Act. The NMET Rules have been enacted with effect from 14-8-2015 which make the legislative intent clear that the amount of contribution towards NMET would be applicable only from 14-8-2015, as the Rules have come into force with effect from 14-8-2015. Therefore, the recovery notice

deserves to be quashed.

6. Mr. Maneesh Sharma, Mr. Rahul Sharma, Mr. Harsh Wardhan, learned counsel appearing for the respective petitioners, would submit in line of submission already made by Mr. Bhaskar Payashi and Mr. Sumesh Bajaj.
7. Mr. B. Gopa Kumar, learned Assistant Solicitor General of India, appearing for the Union of India, would submit that the amount of contribution would be recoverable from the date on which Section 9C of the MMDR Act relating to National Mineral Exploration Trust came into force i.e. 12-1-2015, as the amount of contribution towards NMET has already been prescribed in sub-section (4) of Section 9C of the MMDR Act. Therefore, irrespective of the date of notification of the Rules and constitution of the Trust with effect from 14-8-2015, the Central Government is justified in directing the said contribution to be recovered from 12-1-2015.
8. Mr. Shashank Thakur, learned Government Advocate appearing on behalf of the State of Chhattisgarh, would submit that the State is recovering the amount as per the direction given by the Supreme Court and by the Secretary to the Government of India, Ministry of Mines, by demi-official letter dated 14-9-2015.
9. I have heard learned counsel for the parties and considered their rival submissions and also gone through the record with utmost circumspection.
10. In order to consider the plea raised at the Bar, it would be





appropriate to notice the provisions contained in Section 9C of the MMDR Act which provides for establishment of National Mineral Exploration Trust. Section 9C of the MMDR Act states as under: -

**“9C. National Mineral Exploration Trust.—**(1) The Central Government shall, by notification, establish a Trust, as a non-profit body, to be called the National Mineral Exploration Trust.

(2) The object of the Trust shall be to use the funds accrued to the Trust for the purposes of regional and detailed exploration in such manner as may be prescribed by the Central Government.

(3) The composition and functions of the Trust shall be such as may be prescribed by the Central Government.

(4) The holder of a mining lease or a prospecting licence-cum-mining lease shall pay to the Trust, a sum equivalent to two percent. of the royalty paid in terms of the Second Schedule, in such manner as may be prescribed by the Central Government.”

11. Simultaneously, Section 13 of the MMDR Act which provides for rule making power of the Central Government was also amended and following clauses in sub-section (2) of Section 13 were inserted in the main Act enabling the Central Government to frame rules to enforce the provisions contained in Section 9C of the MMDR Act, which state as under: -

**“13. Power of Central Government to make rules in respect of minerals.—**(1) The Central Government may, by notification in the Official Gazette, make rules for regulating the grant of reconnaissance permits, prospecting licences and mining leases in respect of minerals and for purposes connected therewith.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters namely:—

.....

(qqa) the amount of payment to be made to the District Mineral Foundation under sub-sections (5) and (6) of section 9B;

(qqb) the manner of usage of funds accrued to the National Mineral Exploration Trust under sub-section (2) of section 9C;

(qqc) the composition and functions of the National Mineral Exploration Trust under sub-section (3) of section 9C;

(qqd) the manner of payment of amount to the National Mineral Exploration Trust under sub-section (4) of section 9C;”

12. A focused glance of sub-section (1) of Section 9C of the MMDR Act provides that the Central Government shall, by notification, establish a Trust, as a non-profit body, to be called the National Mineral Exploration Trust. Sub-section (3) of Section 9C provides that the composition and functions of a Trust shall be such as may be prescribed by the Central Government. Sub-section (4) of Section 9C provides that the holder of a mining lease or a prospecting licence-cum-mining lease shall pay to the Trust, a sum equivalent to 2% of the royalty paid “in such manner as may be prescribed by the Central Government”. The word “prescribed” has been defined by the MMDR Act in Section 2(f) defining “prescribed” means prescribed by rules made under this Act. The word “rule” has not been defined in the MMDR Act, whereas it has been defined in the General Clauses Act, 1897 in sub-section (51) of Section 3 which states as under: -

“(51) “rule” shall mean a rule made in exercise of a power conferred by any enactment, and shall include a regulation made as a rule under any enactment;”

13. Thus, rule means a rule made in exercise of a power conferred by

any enactment. As per Section 2(f) of the MMDR Act, rules means rules made under the MMDR Act. In the present case, the enactment / Act is the Mines and Minerals (Development and Regulation) Act, 1957. Section 13 of the MMDR Act is the rule making power of the Central Government in respect of minerals. Clauses (qqb), (qqc) and (qqd) of sub-section (2) of Section 13 of the MMDR Act provide rule making power of the Central Government to make rules in respect of the manner of usage of funds, the composition and functions as well as the manner of payment of amount to the NMET.

14. The Central Government by its notification dated 14-8-2015, notified the rules known as the National Mineral Exploration Trust Rules, 2015 (the NMET Rules). Sub-rule (2) of Rule 1 of the NMET Rules provides that they shall come into force on the date of their publication in the Official Gazette and it has been published in the Government of India Extraordinary Gazette on 14-8-2015 and thus, it has come into force on that date. Rule 7 of the NMET Rules provides for contribution to Trust Fund and sub-rules (1) to (4) of Rule 7 provide as under: -

**“7. Contribution to Trust Fund.—**(1) The Trust shall have power to open and operate bank accounts in its own name at any Scheduled Bank as specified in the Second Schedule to the Reserve Bank of India Act, 1934 (2 of 1934).

(2) The Trust shall communicate the particulars of its bank account to the State Government for the purposes of payments required to be made under sub-section (4) of section 9C of the Act.

(3) The holders of mining lease and prospecting

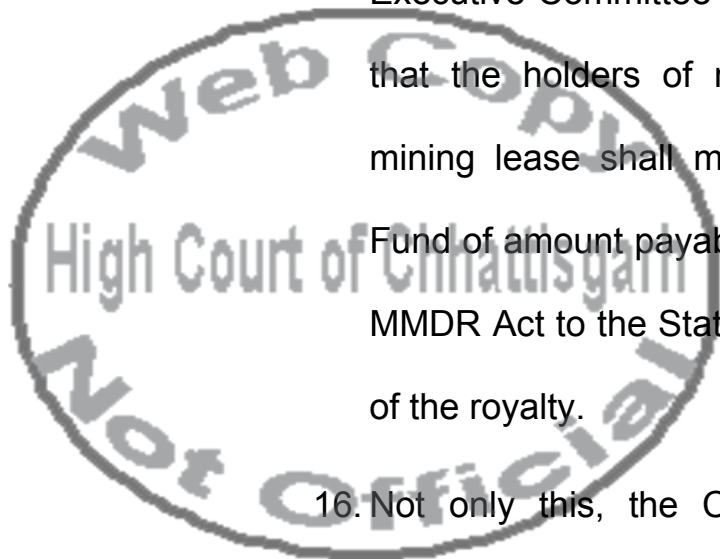
licence-cum-mining lease shall make payments for contribution to the Trust Fund of amount payable under sub-section (4) of section 9C of the Act to the State Government simultaneously with payments of the royalty.

(4) The State Government shall deposit the amount collected from such payments into the bank account of the Trust.”

15. Rule 6 of the NMET Rules provides that the Central Government shall, by order, set up a fund under the Trust to be called as the “National Mineral Exploration Trust Fund” to be managed by the Executive Committee of the Trust. Sub-rule (3) of Rule 7 provides that the holders of mining lease and prospecting licence-cum-mining lease shall make payments for contribution to the Trust Fund of amount payable under sub-section (4) of Section 9C of the MMDR Act to the State Government simultaneously with payments of the royalty.

16. Not only this, the Central Government by another notification issued on the same day (14-8-2015) to enforce the provision contained in sub-section (1) of Section 9C of the MMDR Act in exercise of its rule making power under Section 13(1) of the MMDR Act, established a Trust to be called the National Mineral Exploration Trust with a governing body and an executive committee. This notification has also come into force from its publication in the official gazette i.e. 14-8-2015.

17. It is well settled law that rules made under the statute are to be treated for the purpose of construction as if they were in the enabling Act and are to be of the same effect as if contained in the



Act. (See **State of U.P. v. Baburam**<sup>2</sup>.)

18. It is also accepted principle of statutory construction that “rules made under a statute are a legitimate aid to construction of the statute as *contemporanea expositio*” (see *Craies on Statute Law*, 7th Edn., pp. 157-58).

19. The aforesaid principle of statutory construction has been followed by the Supreme Court in the matter of **The Tata Engineering and Locomotive Company Ltd. v. The Gram Panchayat, Pimpri Waghere**<sup>3</sup> and it was held that the Rules provided internal legitimate aid for the interpretation of the words and phrases used in the main enactment.

20. Thereafter, in the matter of **P. Kasilingam and others v. P.S.G. College of Technology and others**<sup>4</sup>, the Supreme Court has held that the Act and the Rules form part of a composite scheme and many of the provisions of the Act can be put into operation only with the aid of the Rules. It has been observed by Their Lordships of the Supreme Court as under: -

“20. ... Moreover, the Act and the Rules form part of a composite scheme. Many of the provisions of the Act can be put into operation only after the relevant provision or form is prescribed in the Rules. In the absence of the Rules the Act cannot be enforced. ...”

21. The Supreme Court has followed the principle of statutory construction laid down in **The Tata Engineering and Locomotive Company Ltd.** (supra), in **P. Kasilingam** (supra).

2 AIR 1961 SC 751

3 (1976) 4 SCC 177

4 1995 Supp (2) SCC 348

22. Thereafter, in the matter of **J.K. Industries Limited and another v. Union of India and others**<sup>5</sup>, the Supreme Court again followed the principle of statutory construction that the rules made under the statute are legitimate aid to construction of statute and held that many of the provisions the Companies Act cannot be put into operation without the rules and held as under: -

“138. ... In our view, the provisions of the Companies Act together with the Rules framed by the Central Government constitute a complete scheme. Without the Rules, the Companies Act cannot be implemented. The impugned Rules framed under Section 642 are a legitimate aid to construction of the Companies Act as contemporanea expositio. Many of the provisions of the Companies Act, like computation of book profit, net profit, etc. cannot be put into operation without the Rules.”

23. Going by the principles of law laid down in the aforesaid judgments, it is quite vivid that Section 9C of the MMDR Act could be implemented only by promulgation of rules in exercise of rule making power by the Central Government and accordingly, the NMET Rules were brought into force with effect from 14-8-2015, as Section 9C of the MMDR Act with the NMET Rules constitute a complete scheme and without the NMET Rules, Section 9C of the MMDR Act could not be implemented because Section 9C is only enabling provision and it can be implemented and enforced only by framing rules i.e. the NMET Rules. NMET was also constituted with effect from 14-8-2015.

24. The Supreme Court in **Federation of Indian Mineral Industries** (supra), has clearly held that Section 13 of the MMDR Act does not

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5 (2007) 13 SCC 673

confer any specific power on the Central Government to frame any rule with retrospective effect and that even the scope and extent of rule making power of the Central Government is limited. It was succinctly observed in para 25 as under: -

“25. Similarly, Section 13 of the MMDR Act does not confer any specific power on the Central Government to frame any rule with retrospective effect. Section 9B(5) and (6) read with clause (qqa) inserted in Section 13(2) of the MMDR Act enable the Central Government to make rules to provide for the amount of payment to be made to the DMF established by the State Government under Section 9B(1) of the MMDR Act. None of these provisions confer any power on the Central Government to require the holder of a mining lease or a prospecting licence-cum-mining lease to contribute to the DMF with retrospective effect. Therefore, even the scope and extent of the rule making power of the Central Government is limited.”

25. Not only this, the Supreme Court in **Federation of Indian Mineral Industries** (supra) also held that power of the State Government or the Central Government to give retrospective effect to subordinate legislation is well settled and laid down the following principles: -

“(i) The Central Government or the State Government (or any other authority) cannot make a subordinate legislation having retrospective effect unless the parent statute, expressly or by necessary implication, authorizes it to do so. (*Hukum Chand v Union of India*<sup>6</sup> and *Mahabir Vegetable Oils (P) Ltd. v. State of Haryana*<sup>7</sup>).

(ii) Delegated legislation is ordinarily prospective in nature and a right or a liability created for the first time cannot be given retrospective effect. (*Panchi Devi v. State of Rajasthan*<sup>8</sup>).

(iii) As regards a subordinate legislation concerning a fiscal statute, it would not be proper to hold that in the absence of an express provision a delegated authority

6 (1972) 2 SCC 601

7 (2006) 3 SCC 620

8 (2009) 2 SCC 589

can impose a tax or a fee. There is no scope or any room for intendment in respect of a compulsory exaction from a citizen. (*Ahmedabad Urban Development Authority v. Sharadkumar Jayantikumar Pasawalla*<sup>9</sup> and *State of Rajasthan v. Basant Agrotech (India) Limited*<sup>10</sup>.)”

26. Thus, Section 9C of the MMDR Act has been enforced by the Central Government only by enacting the NMET Rules with effect from 14-8-2015 and by bringing the NMET Rules into force, by constituting the NMET and its governing body and executive committee. But the Secretary to the Government of India, Ministry of Mines, by letter dated 14-9-2015 inter alia provided the details of bank account to the Chief Secretary, Government of Chhattisgarh and stated that since Section 9C of the MMDR Act came into force on 12-1-2015, the liability of payment towards the NMET Fund accrues from 12-1-2015 on all royalty payments.

27. It is well settled proposition of law that executive instructions which have no statutory force cannot override the law and that any notice, circular, guidelines, etc., which run contrary to statutory laws cannot be enforced. Executive instructions cannot amend or supersede the statutory rules or add something therein, nor the orders be issued in contravention of the statutory rules for the reason that an administrative instruction is not a statutory rule nor does it have any force of law.

28. The Supreme Court in the matter of **Rajasthan State Industrial Development and Investment Corporation v. Subhash Sindhi**

9 (1992) 3 SCC 285

10 (2013) 15 SCC 1



**Cooperative Housing Society, Jaipur and others**<sup>11</sup>, dealing with the above-stated aspect, held as under: -

“27. Executive instructions which have no statutory force, cannot override the law. Therefore, any notice, circular, guidelines, etc. which run contrary to statutory laws cannot be enforced. [Vide *B.N. Nagarajan v. State of Mysore*<sup>12</sup>, *Sant Ram Sharma v. State of Rajasthan*<sup>13</sup>, *State of Karnataka v. Umadevi (3)*<sup>14</sup> and *Mahadeo Bhau Khilare (Mane) v. State of Maharashtra*<sup>15</sup>.]”

29. However, the letter dated 14-9-2015 is only a demi-official letter of the Central Government and there is no subordinate legislation in the present case, except promulgation of the NMET Rules with effect from 14-8-2015. Further, in **Federation of Indian Mineral Industries** (supra), it has been held by Their Lordships of the Supreme Court that Section 13 of the MMDR Act cannot be said to have conferred any power on the Central Government to require a holder of a mining lease or a prospecting licence-cum-mining lease to contribute to the DMF with retrospective effect. Merely because the quantum payable as NMET is specified under Section 9C of the MMDR Act, it does not make Section 9C operative with effect from 12-1-2015, in view of the discussion made herein-above. The provisions contained in Section 9C of the MMDR Act have been enforced by enacting the NMET Rules and by establishing the National Mineral Exploration Trust with effect from 14-8-2015 which provides the manner of depositing amount to the NMET.

11 (2013) 5 SCC 427

12 AIR 1966 SC 1942

13 AIR 1967 SC 1910

14 (2006) 4 SCC 1

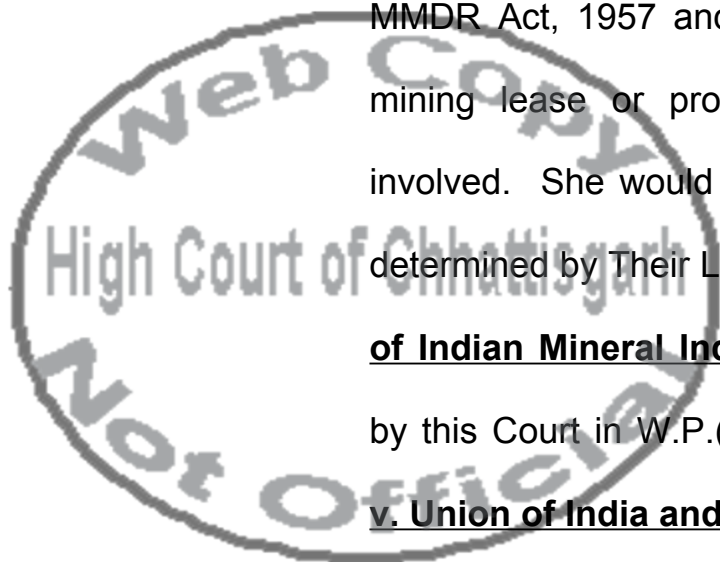
15 (2007) 5 SCC 524

30. As a fallout and consequence of aforesaid discussion, it is held that contribution towards the NMET is payable with effect from 14-8-2015 and the respondents are entitled for contribution towards the NMET only with effect from 14-8-2015. The petitioners are directed to make payments accordingly.

31. Lastly, Ms. Shruti Choudhary, learned counsel for the petitioners, would submit that in this batch of writ petitions, question relating to establishment of District Mineral Foundation (DMF) under the MMDR Act, 1957 and contribution required to DMF by holder of mining lease or prospecting licence-cum-mining lease is also involved. She would further submit that the said question stands determined by Their Lordships of the Supreme Court in **Federation of Indian Mineral Industries** (supra) and that has been followed by this Court in W.P.(C)No.82/2017 (**Vardhman Textiles Limited v. Union of India and others**) decided on 24-10-2017.

32. In **Federation of Indian Mineral Industries** (supra), the Supreme Court has held as under: -

“46. Having considered the issues raised by the petitioners and by the learned Additional Solicitor General in different perspectives, we hold: (i) Merely because the DMFs have been established or are deemed to have been established from a date prior to the issuance of the relevant notifications does not make their operation retrospective. (ii) In any event, the establishment of the DMFs (assuming the establishment is retrospective) from 12<sup>th</sup> January, 2015 does not prejudicially affect any holder of a mining lease or a prospecting licence-cum-mining lease. (iii) In view of the failure of the Central Government to prescribe the rate on 12<sup>th</sup> January, 2015 at which contributions are required to be made to the DMF, the contributions to the DMF cannot be insisted upon with



effect from 12<sup>th</sup> January, 2015. Fixing the maximum rate of contribution to the DMF is insufficient compliance with the law laid down by the Constitution Bench in **Commissioner of Income Tax (Central) – I v. Vatika Township Private Limited**<sup>16</sup>. (iv) Contributions to the DMF are required to be made by the holder of a mining lease or a prospecting licence-cum-mining lease in the case of minerals other than coal, lignite and sand for stowing with effect from 17<sup>th</sup> September, 2015 when the rates were prescribed by the Central Government. (v) Contributions to the DMF are required to be made by the holder of a mining lease or a prospecting licence-cum-mining lease in the case of coal, lignite and sand for stowing with effect from 20<sup>th</sup> October, 2015 when the rates were prescribed by the Central Government or with effect from the date on which the DMF was established by the State Government by a notification, whichever is later. (vi) The notification dated 31<sup>st</sup> August, 2016 issued by the Central Government is invalid and is struck down being *ultra vires* the rule making power of the Central Government under the MMDR Act.

47. We fervently hope the State Governments recognize their responsibilities and utilize the contributions to the District Mineral Funds quickly and for the object for which they have been established, particularly since the amounts involved are huge.

48. We grant time till 31<sup>st</sup> December, 2017 to those holders of a mining lease or a prospecting licence-cum-mining lease who have not made the full contribution to the District Mineral Funds to pay the contribution, failing which they will be liable to make the contribution with interest at 15% per annum from the due date. We also make it clear that in the event any holder of a mining lease or a prospecting licence-cum-mining lease has mistakenly made contributions to the District Mineral Fund from a date prior to the date that we have determined, such a holder of a mining lease or a prospecting licence-cum-mining lease shall not be entitled to any refund but may adjust the contribution against future contributions, without the benefit of any interest.”

33. Following the afore-quoted judgment of the Supreme Court, this

Court in **Vardhman Textiles Limited** (supra) held as under: -

“5. A careful perusal would show that contributions to the DMF are required to be made by the holder of a mining lease or a prospecting license-cum-mining lease in the case of coal, lignite and sand for stowing and it will be with effect from 20<sup>th</sup> of October, 2015 when the rates were prescribed by the Central Government or with effect from the date on which the DMF was established by the State Government by a notification, whichever is later.

6. Mr. Shashank Thakur, learned State counsel, would submit that the DMF was established by the State Government in Chhattisgarh by a notification which was issued on 22-12-2015, therefore contributions will be payable by the petitioners with effect from 22-12-2015.

7. In view of the above, the writ petitions stand finally disposed of in terms of paragraphs 46, 47 and 48 of the judgment of the Supreme Court in **Federation of Indian Mineral Industries** (supra) and contributions will be payable by the petitioners with effect from 22-12-2015. No order as to cost(s).”

34. Thus, on the basis of above legal analysis, it is held as under: -

(1) Contribution towards National Mineral Exploration Trust shall be payable with effect from 14-8-2015, the date of promulgation of the NMET Rules, plus constitution of National Mineral Exploration Trust (14-8-2015). The petitioners are directed to make payment accordingly and if contribution has already been made towards NMET prior to 14-8-2015, the respondents are directed to adjust the contribution against future contributions without any interest.

(2) Contribution towards District Mineral Foundation shall be payable with effect from 22-12-2015 and the writ petitions questioning payment of DMF stand finally disposed of in terms of paragraphs 46, 47 and 48 of the judgment of the Supreme Court in **Federation of Indian Mineral Industries** (supra).

35. The writ petitions are allowed to the extent indicated herein-above.

No order as to cost(s).

Sd/-  
(Sanjay K. Agrawal)  
Judge

Soma



HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No.1504 of 2016

Jindal Steel & Power Limited and another

Versus

State of Chhattisgarh and others  
and other connected cases

Head Note

Contribution towards National Mineral Exploration Trust under Section 9C(4) of the Mines and Minerals (Development and Regulation) Act, 1957 would be payable with effect from 14-8-2015.

राष्ट्रीय खनिज अन्वेषण न्यास हेतु धारा 9ग(4) खान और खनिज (विकास और विनियमन) के अधिनियम के अधीन देय अंशदान 14.08.2015 से प्रभावी होगा।

