

(2005) 12 JH CK 0031
In the Jharkhand High Court
Case No : CWJC No. 3698 of 1996 (R)

Central Coalfields Ltd.

APPELLANT

Vs

State of Bihar (Now Jharkhand) and Others

RESPONDENT

Date of Decision : 22-12-2005

Acts Referred:

Citation : AIR 2006 Jhar 61 : (2006) 1 JCR 403

Hon'ble Judges : R.K. Merathia, J

Bench : Single Bench

Advocate : A.K. Mehta, for the Appellant; P. Modi, GPI, for the Respondent

Final Decision : Allowed

Judgement

R.K. Merathia, J.—Heard parties.

2. Petitioner has prayed for quashing the order dated 13.09.1993, passed by the Certificate Officer (Mines), Hazaribagh in Certificate Case No. 5 of 1987-88 (R), rejecting petitioner's objection and holding that he is liable to pay the dues alongwith the interest thereon; and also for quashing the order dated 22.08.1995, passed by the appellate authority (Respondent No. 3) in Certificate Appeal No. 13 of 1993 dismissing the petitioner's appeal, and also the order dated 15.3.1996, passed by the Revisional authority (respondent No. 4) in Certificate Revision No. 117 of 1995 affirming the appellate order.

3. Petitioner's contention is that on 21.11.1998, the grade of coal was changed from Grade W. III to Grade IV and, therefore, it is liable to pay royalty applicable to Grade IV.

4. The contention of the State is that there is no provision in the Coal Control Order, 1945 or under any other law that the Grade of Coal mined/extracted and stored can be changed by the licensee.

5. I find force in the submissions of learned State counsel. Learned Counsel appearing for the petitioner could not show the basis of purported change of

Grade of coal mined and stored. Accordingly, the petitioner is liable to pay royalty as per the return filed by it showing the Grade of coal as W.III.

6. Mr. Mehta, learned counsel appearing for the petitioner submitted that 40 per cent of the Certificate dues must have been paid as condition precedent for preferring the appeal and by order dated 10.3.1996, passed in this writ petition, petitioner was directed to deposit the balance amount of 60 per cent of the certificate amount, within four weeks from the date of the order and this also must have been deposited by the petitioner. Be that as it may.

7. The Certificate Officer is directed to conclude the certificate proceedings in accordance with law if not already concluded. If any further amount is found due and payable by the petitioner, the petitioner has to pay the same.

8. With these observations and directions, this writ petition is dismissed. However, there shall be no order as to costs.