
(2013) 10 MP CK 0050
In the Madhya Pradesh High Court
Case No : Writ Petition 7749 of 2013

M/s. Lalita Devi	Vs	APPELLANT
State of MP and Ors		RESPONDENT

Date of Decision : 28-10-2013

Acts Referred:

Citation : (2013) 10 MP CK 0050

Hon'ble Judges : Krishn Kumar Lahoti, Acting C.J.;S.K. Gangele, J

Bench : Division Bench

Advocate : B.M. Patel, for the Appellant; M.P.S. Raghuvanshi, Additional Advocate General for the State, for the Respondent

Judgement

S.K. Gangele, J.—The petitioner has sought the following reliefs:

1. That, the respondent may kindly be directed to finalise the bills of petitioner firms without insisting for producing royalty receipts.
2. That the respondents be further directed not to recover and not to insist to the petitioner firm to producing royalty certificate and in case any amount recovered the same be refunded to the petitioner firm, bills also be directed to be finalised with interest @ 18% P.A.

The case of the petitioner is that the respondent No. 3 is not finalising the bills of the petitioner in respect of works contract and is insisting the petitioner to furnish royalty payment receipts.

2. It is submitted that the controversy involved in this writ petition is squarely covered by Division Bench judgment of this Court in WP 3166/2013 (Ashok Sharma Vs. State of MP and other) decided on 10/5/2013.
3. The aforesaid position is not disputed by the learned counsel for the State.
4. In Ashok Sharma (supra) the Division Bench of this Court has considered the similar controversy and held that:

(1) The petitioner shall either furnish the bills of purchase of minerals from authorized dealer or an affidavit disclosing the source from where petitioner purchased minerals, which were used in the construction work.

(2) The respondents authorities if are satisfied with the bills produced by the petitioner may process the bills, but in a case of any doubt, respondents authorities may insist the petitioner to file an affidavit in support of its contention in respect of purchase of minerals from the open market by the bills.

(3) In case the petitioner is unable to produce the bills for the purchase of the minerals or the royalty receipt in this regard, respondents-authorities shall insist the petitioner to file an affidavit pointing out specifically the manner in which minerals were purchased, disclosing particulars of the person from whom the minerals were purchased. On filing of the affidavit, the authorities shall be within their right to verify the aforesaid facts. They can also verify the facts from the record of the Mining Department of the concerned district.

(4) On completion of the aforesaid process, the respondents shall clear the bills of the petitioner submitted in connection with the execution of the works contract and the amount of royalty, if any recovered from the bills, shall be released in favour of the petitioner.

(5) In case, the authorities are not satisfied with the contention of petitioner or on verification, facts are not found correct then they shall pass a reasoned order in rejecting the contention of petitioner.

(6) If the petitioner fails to produce the bills/affidavit as indicated hereinabove, the petitioner may represent his case to the concerned authority showing his inability to produce the bills or affidavit and it shall be for the State Government or authority to consider the representation and pass a suitable order in that regard within two months from the date of receipt of the representation.

No order as to costs.

5. As the controversy involved in this petition is identical, we dispose of this matter in terms of the directions issued by the Division Bench in Ashok Kumar (supra). The aforesaid directions shall be applicable in the present case as far as they are applicable. No order as to costs.