

(2020) 03 RAJ CK 0073

In the Rajasthan High Court

Case No : Civil Writ Petition No. 2737 Of 2020

Raghav Productivity Enhancers Ltd., Through Factory
Manager and Authorised Signatory

APPELLANT

Vs

State of Rajasthan, Through The Principal Secretary and
Another

RESPONDENT

Date of Decision : 06-03-2020

Acts Referred:

Citation : (2020) 03 RAJ CK 0073

Hon'ble Judges : Arun Bhansali, J

Bench : Single Bench

Advocate : Sanjeev Johari, Sanjeev Johari, Digvijay Singh Jasol

Final Decision : Disposed Of

Judgement

Arun Bhansali, J

1. This writ petition has been filed by the petitioner aggrieved against detention and confiscation of goods i.e. 34.00 Metric Ton â??Ramming

Massâ?? (Refractory Cement) within the vehicle by the respondent No. 2 Mining Engineer.

2. Submissions have been made that the goods contained therein is â??Ramming Massâ?? which though contains mineral quartz grain, is a finished

product and is therefore, not liable to royalty payment. However, the Mining Engineer has intercepting the vehicle and issued notice in this regard.

3. Submissions have been made that looking to the nature of goods, the goods may be released.

4. Learned counsel appearing for the State made vehement submissions that the goods contained in the vehicle is not â??Ramming Massâ?? as

claimed and in fact, quartz grains itself, which is a mineral, and is liable to

payment of royalty, therefore, the petitioner is not entitled to the relief as claimed in the petition.

5. A rejoinder has been filed attempting to establish that the goods have been used at the factory of the petitioner and that the Quartz grain used therein has already suffered royalty.

6. I have considered the submissions made by learned counsel for the parties and have perused the material available on record.

7. The dispute between the parties pertain to the nature of goods, which are contained in the Trailer, as to whether the same is Ramming

Mass or Quartz grain, however, for the said determination to be made between the parties, it is not necessary looking to the nature of the goods

which have been detained, which are subject to the weather effect etc. to detain the whole goods. The interest of the department qua the

royalty/penalty is safeguarded alongwith a required sample of the goods, the same would take care of the requirements in this regard and based on the

determination made by the authorities under the Act, the consequence would follow.

8. In view of the above fact situation, the writ petition filed by the petitioner is disposed of. In case, the petitioner deposits a sum of Rs. 35,000/- with

the respondents, which is the amount, which has been claimed from the petitioner vide Annex.-P/5, the goods in question shall be released by the

respondents after keeping sufficient sample for testing the same in accordance with law as to whether the same is Ramming Mass or

Quartz Grains as claimed by the rival parties. The said sample would be tested by the respondents in presence of the petitioner at a standard

laboratory and whereafter, the respondents would proceed to determine the issue involved in the matter.

9. The respondents would pass appropriate orders within a period of four weeks in accordance with the provisions after providing opportunity of

hearing to the petitioner. The deposit of amount made by the petitioner shall follow the outcome of the order to be passed by the respondents.

10. In case, it is found that the goods contained is Ramming Mass, the amount be refunded to the petitioner.