

(2014) 01 DEL CK 0222
In the Delhi High Court
Case No : W.P. (C) No. 2667 of 2013

Ravi Somani

APPELLANT

Vs

Union of India and Another

RESPONDENT

Date of Decision : 08-01-2014

Acts Referred:

Citation : AIR 2014 Delhi 45

Hon'ble Judges : Manmohan, J

Bench : Single Bench

Advocate : Rajesh Banati and Sunil Verma, Advocate for the Appellant; Prasook Jain, B.V. Niren, Vivek Goel, Kunal Dutta and Ms. Medha Shah, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Manmohan, J.—Present writ petition has been filed challenging the notification for re-minting of commemorative coins having same denomination, design, dimensions and metal compositions as originally released commemorative coins had. The prayer in the writ petition is reproduced hereinbelow:-- (a) Declare that the issuance of the same coin with same specification and date is unjust, unfair, mala fide and unconstitutional.

(b) To issue Writ, Order or Direction in the nature of mandamus and/or certiorari and/or any other Writ, Order or Direction quashing the impugned advertisement dated 31.03.2013 with respect to serial Nos. 4 to 6, filed with Writ as Annexure P-1.

(c) To grant any other and further relief as this Hon''ble Court may deem fit and proper.

Petitioner is a coin collector who has been collecting commemorative coins since 1964. It is the petitioner''s case that the commemorative coins are being minted for the second time with same specifications without there being any occasion for the same. 2. Learned counsel for petitioner states that if the same coin is

minted again, the coins minted earlier would lose their significance and value. In support of his submission, learned counsel relies upon the dictionary meaning of the word "Commemorative" as "issued in limited quantities for a relatively short period in commemoration of a person, place or event". According to learned counsel for petitioner, the commemorative coins are supposed to be rare and, therefore, should not be issued periodically. In this connection, he also draws attention of this Court to the practice followed by other foreign countries.

3. In the counter affidavit filed by the Union of India, it is stated that the decision to re-mint/re-strike the commemorative coins is in accordance with the policy decision taken by the competent authority of respondent No. 2.

4. It is further stated that commemorative coins are always treated as special coins and these coins do not lose their value and credential with the passage of time. Learned counsel for respondent also submits that all the provisions of the Coinage Act, 2011 (for short "Act, 2011) have been complied with.

5. In rejoinder, learned counsel for petitioner states that no notification has been issued by respondent No. 1 for re-minting the commemorative coins. According to him, in the absence of any notification, it does not lie in the mouth of respondent No. 2 to say that a policy decision has been taken by the Government.

6. This Court is of the view that as in India issue of commemorative coins is governed by the Act, 2011, which contains comprehensive, clear and categorical provisions, petitioner's reliance upon dictionary meaning and practices followed in foreign countries is irrelevant.

7. Neither any bar has been shown nor any prohibition is found on re-minting of commemorative coins with the same specifications as the original in Act, 2011. Further, all the policy decision of the Government need not be issued in the form of a notification.

8. Some of the commemorative coins sought to be issued are in the name of political and social leaders who are icons of this country and, therefore, it cannot be said that coins in their names can be minted only on their birth centenary. This Court is also of the opinion that because of re-minting/re-striking of commemorative coins, the petitioner at the highest can only allege that he has suffered a financial loss. However, this cannot be a ground for declaring that issuance of a commemorative coin with the same specification and date is unjust, unfair, mala fide and unconstitutional or illegal. If the petitioner has suffered any loss, he is at liberty to file appropriate proceedings in accordance with law.

With the aforesaid observations, present petition and application are dismissed.