

(2014) 04 MEG CK 0005
In the Meghalaya High Court
Case No : WP(C) No. 180/2012

Western Coal Miners and Exporters Association, represented by its General Secretary APPELLANT

Vs

The State of Meghalaya represented by the Chief Secretary to the Govt. of Meghalaya, Commissioner and Secretary, Mining and Geology Department and Director of Mineral Resources, Govt. of Meghalaya RESPONDENT

Date of Decision : 07-04-2014

Acts Referred:

Constitution of India, 1950 — Article 245, 246, 248, 254
Mines and Minerals (Development and Regulation) Act, 1957 — Section 9, 9(3)

Citation : (2014) 04 MEG CK 0005

Hon'ble Judges : Prafulla C. Pant, C.J; T. Nandakumar Singh, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

T. Nandakumar Singh, J.—It is the case of the petitioner-association that the State Govt. has no power and authority to issue the Notification dated 22.06.2012 for fixing the rate of royalty on coal produced and dispatched from the State of Meghalaya @ Rs. 675/- per metric tonne, and prayed for quashing of the said Notification. For convenience, the impugned Notification dated 22.06.2012 published in the Meghalaya Gazette Extra Ordinary No. 51 Shillong, Friday June 22, 2012 (Annexure-8 to the writ petition) is quoted hereunder:-

Part-IIA

Government Of Meghalaya

Mining and Geology Department

Orders By The Governor

Notification

The 22nd June, 2012.

No. MG.31/2008/PT.II/103-In pursuance of the Notification No. G.S.R. 349(E) ,dated 10th May, 2012. issued by the Ministry of Coal, Government of India, the Governor of Meghalaya, is pleased to fix the rate of royalty on coal produced and dispatched from the State of Meghalaya at Rs. 675/- per metric tonne.

This order shall come into force with immediate effect from the date of publication of this notification in the Gazette of Meghalaya.

J.P. Prakash, Principal Secretary to the Govt. of Meghalaya, Mining and Geology Department.

(emphasis supplied)

Heard Mr. H.S Thangkhiew, learned senior counsel assisted by Mr. N. Mozika, learned counsel for the petitioner-association and Mr. KS Kynjing, learned Advocate General assisted by Mr. ND Chullai, learned Sr. GA appearing for the State respondents.

2. The petitioner-association is an association of coal miners and exporters. The petitioner-association is duly registered under the Meghalaya Societies" Registration Act, 1983 vide registration No. E.16/4/2009/28. The members of the petitioner association are engaged in the business of mining and export of coal. The members of the petitioner association are also exporting coal to Bangladesh at present at US \$ 60 per metric tonne, which is at current foreign exchange rate amounts to about Rs. 3300/- per metric tonne. Entry 54 of the List-I (Union List) of the Seventh Schedule to the Constitution of India provides for the regulation of mines and minerals development to the extent to which such regulation and development under the control of the Union is declared by the Parliament by law to be expedient in the public interest. Entry 23 of List-II (State List) provides for the regulation of mines and minerals development subject to the provisions of List-I with respect to regulation and development under the control of the Union. Further, Entry 50 of List-II provides for taxes on mineral rights subject to any limitations imposed by the Parliament by law relating to mineral development. The Bill i.e. "the Mines and Minerals (Development and Regulation) Act, 1957" was introduced in the Parliament with an introduction that "in the Seventh Schedule of the Constitution in Union List Entry 54 provides for regulation of mines and minerals development to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest. On account of this provision it became imperative to have a separate legislation. In order to provide for the regulation of mines and the development of minerals, the Mines and Minerals (Regulation and Development) Bill was introduced in the Parliament."

3. The Mines and Minerals (Development and Regulation) Act, 1957 was enacted by the Parliament on 28.12.1957 and came into force on 01.06.1958 and it

extent to the whole of India. Section 9 of the Mines and Minerals (Development and Regulation) "Act, 1957 (for short hereinafter called the Act of 1957) provides for levy and collection of royalty on minerals including coal. u/s 9(3) of the Act of 1957, the Central Govt. may, by Notification in the official Gazette, amend the Second Schedule so as to enhance or reduce the rate at which royalty shall be payable in respect of any mineral with effect from such date as may be specified in the Notification. Section 9 of the Act of 1957 read as follows:-

9. Royalties in respect of mining leases:- (1) The holder of a mining lease granted before the commencement of this Act shall, notwithstanding anything contained in the instrument of lease or in any law in force at such commencement, pay royalty in respect of any (mineral removed or consumed by him or by his agent manager, employee, contractor or sub-lessee) from the leased area after such commencement, at the rate for the time being specified in the Second Schedule in respect of that mineral.

(2) The holder of a mining lease granted on or after the commencement of this Act shall pay royalty in respect of any (mineral remove or consumed by him or by his agent, manager, employee, contractor or sub-lessee) from the leased area at the rate for the time being specified in the Second Schedule in respect of that mineral.

((2A) The holder of a mining lease, whether granted before or after the commencement of the Mines and Minerals (Regulation and Development) Amendment Act, 1972, shall not be liable to pay any royalty in respect of any coal consumed by a workman engaged in a colliery provided that such consumption by the workman does not exceed one-third of a tonne per month.)

(3) The Central Government may, by notification in the Official Gazette, amend the Second Schedule so as to enhance or reduce the rate at which royalty shall be payable in respect of any mineral with effect from such date as may be specified in the notification:

(Provided that the Central Government shall not enhance the rate of royalty in respect of any mineral more than once during any period of three years).

4. The Central Govt. in exercise of power u/s 9(3) of the Act of 1957, had prescribed the rates of royalty on coal at the fixed rates as per metric tonne basis. However, in the year 2007, the Central Govt. vide Notification No. G.S.R. 522(E) dated 01.08.2007, switched to a hybrid system i.e. a combination of specific and ad valorem rates of royalty on coal. In pursuance of the said Notification i.e. Notification No. G.S.R. 522(E) dated 01.08.2007 read with letter No. CC/CCO/Grade of Coal/2009-10 dated 15.06.2009 issued by the Ministry of Coal, Govt. of India, the Govt. of Meghalaya revised the rate of royalty on coal produced and dispatched from the State of Meghalaya from Rs. 165/- to Rs. 290/- per metric tonnes and also that the additional collection of cess on coal @Rs. 55/- per metric tonne, imposed earlier vide Notification No. MG. 115/2007/32 dated 06.01.2009 is hereby waived vide Notification dated

21.08.2009 issued by the Govt. of Meghalaya and the said Notification came into force with immediate effect from the date of issue of the Notification. For easy reference, the said Notification of the Govt. of Meghalaya dated 21.08.2009 (Annexure-5 to the writ petition) is quoted hereunder:-

Government of Meghalaya

Mining and Geology Department

Orders By The GOVERNOR

Notification

Dated Shillong, the 21st August, 2009

No. MG. 31/2008/162-In pursuance of the Notification N.G.S.R. 522(E) dated 1.8.07 read with letter No. CC/CCO/Grade of Coal/09-10 dated 15.06.09 issued by the Ministry of Coal, Govt. of India, the Governor of Meghalaya is pleased to revise the rate of royalty on coal produced and dispatch from the State of Meghalaya from Rs. 165/- to Rs. 290/- per metric tones. The additional collection of Cess on coal @ Rs. 55/- per metric tonne, imposed earlier vide Notification No. MG. 115/2007/32 dated 6.1.09, is hereby waived.

This order shall come into force with immediate from the date of issue of this Notification.

Sd/-

A Som,

Commissioner & Secretary to the Govt. of Meghalaya,

Mining and Geology Department.

(emphasis supplied)

5. The members of the petitioner association, without any demeanor of protest, faithfully paid the royalty on coal at the rate mentioned in the said Notification of the Govt. of Meghalaya dated 21.08.2009, which was issued in pursuance to the said Notification of the Govt. of India dated 01.08.2007 for fixing the rate of royalty under the hybrid system i.e. combination of specific and ad valorem rates of royalty on coal. Later on, the Central Govt. in exercise of the powers conferred by Sub-Section (3) of Section 9 of the Act of 1957, makes further amendment of the Second Schedule to the said Act in such a manner that "(1) Royalty on Coal: The rate of royalty on coal shall be @ 14% (Fourteen percent) ad-valorem on price of coal, as reflected in the invoice, excluding taxes, levies and other charges" vide Notification No. G.S.R. 349(E) New Delhi, dated 10.05.2012. The relevant portion of the said Notification of the Central Govt. dated 10.05.2012 is quoted hereunder:-

Ministry of Coal

Notification

New Delhi, the 10th May, 2012

No. G.S.R. 349(E)-In exercise of the powers conferred by subsection (3) of Section 9 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the Central Government hereby makes the following further amendment in the Second Schedule to the said Act, namely:-

In the Second Schedule to the said Act for item 11 and the entries relating thereto, the following item and entries shall be substituted, namely:-

11.

A. Coal produced in all the States and Union territories except the State of West Bengal.

(1) Royalty on Coal

The rate of royalty on coal shall be (5), 14% (Fourteen percent) ad-valorem on price of coal, as reflected in the invoice, excluding taxes, levies and other charges.

Explanation

1. For the purpose of grading of coal, the specification of each grade of the coal shall be as "prescribed under rule 3 of the Colliery Control Rules, 2004.
2. The Notification shall come into force on the date of its publication in the Official Gazette.

(F. No. 28019/1/2009-CA-II)

A.K. BHALLA, Jt. Secy.

The Second Schedule was first amended vide G.S.R. No. 458 (E) dated the 05th May, 1987 and last amended vide G.S.R. 46(E) dated the 24th January, 2012.

6. In pursuance to the said Notification of the Central Govt. dated 10.05.2012, the Govt. of Meghalaya issued the impugned Notification dated 22.06.2012 for fixing the rate of royalty on coal produced and dispatched from the State of Meghalaya @ Rs. 675/- per metric tonne. The members of the petitioner association, who faithfully paid the royalty on coal at the rate fixed by the said Govt. of Meghalaya's Notification dated 21.08.2009 which was issued in pursuance of the said Notification of the Govt. of India dated 01.08.2007 for fixing the revised rate of royalty on coal under the hybrid system, started questioning the impugned order/Notification dated 22.06.2012, which was also issued in pursuance of the said Notification of the Central Govt. dated 10.05.2012 for revising the rate of royalty on coal in the manner the Govt. of Meghalaya issued the earlier Notification dated 21.08.2009.

7. The grounds for assailing the impugned Notification dated 22.06.2012 issued by the Govt. of Meghalaya in the writ petition as well as submission of the learned senior counsel for the petitioner-association are:-

(i) The Govt. of Meghalaya i.e. the State Govt. has no power and authority to issue the said Notification inasmuch as, under Entry-54 of the Union List, the Parliament had already enacted the Act of 1957 and u/s 9(3) of the Act of 1957, only the Central Govt. can enhance or reduce the rate at which royalty shall be payable in respect of any mineral with effect from such date as may be specified in the Notification and Entries 23 and 50 of the State List provide that the regulation of mines and minerals development and regulation and taxes on mineral rights shall subject to any limitations imposed by the Parliament by law relating to minerals development and also subject to the provisions of List-I with respect to the regulation and development under the control of Union and;

(ii) The State Govt. by the impugned Notification dated 22.06.2012 cannot fix the rate of royalty on coal produced and dispatched from the State of Meghalaya @ Rs. 675/- per metric tonne.

On bare perusal of the impugned Notification dated 22.06.2012, it is crystal clear that the Notification itself i.e. 22.06.2012 of the Govt. of Meghalaya was issued in pursuance of the Notification No. G.S.R. 349(E) dated 10.05.2012, issued by the Central Govt. i.e. the Ministry of Coal, Govt. of India for fixing the rate of royalty on coal.

8. In the writ petition, the main thrust of the petitioner-association for challenging the revised rate of Rs. 675/- per metric tonne under the impugned Notification dated 22.06.2012 is that the members of the petitioner-association are exporting coal at the invoice price of US \$ 60 per metric tonne, which is at current foreign exchange rate amounts to about Rs. 3300/- per metric tonne and as such, the rate of royalty payable thereon should be 14% (Fourteen percent) ad valorem on the price of coal which comes to about Rs. 462/- (Rupees four hundred sixty two) only per metric tonne.

9. The State respondents filed joint affidavit-in-opposition wherein, it is clearly stated that the State Govt. is not independently revising or fixing the rate of royalty on coal and what the State Govt. is doing is only mentioning the amount of revised rate in terms of Rupees by calculating in the manner the rate of royalty had been revised by the Central Govt. in exercise of the powers conferred u/s 9(3) of the Act of 1957 by the said Notification No. G.S.R. 349(E) dated 10.05.2012. In the joint affidavit-in-opposition of the State Govt., it is also stated that the North Eastern Coalfields had already fixed the rate of coal price w.e.f. 27.02.2011 and the Govt. of Meghalaya also considers necessary to fix the rate of royalty on coal in the term of Rupees in terms of the revised rate fixed by the Central Govt. in exercise of the powers conferred u/s 9(3) of the Act of 1957. Para 9 of the joint affidavit-in-opposition filed by the State respondents read as follows:-

9. As per report of the Coal Controller based on Sample of Meghalaya Coal the calorific value of Meghalaya Coal are as follows:-

6775, 6945, 7035, 7615, 7665 and 8265.

As per the rate to be fixed for coal based on the price notified by Coal India Ltd. Additional Rs. 145/- is to be added to the price of "A" Grade Coal calorific value exceeding 6299. As per the Coal India price depending upon the calorific value of Meghalaya Coal price of Meghalaya Coal comes as under:-

However, the Government for the purpose of calculating royalty @14% of the price took the lowest price as above i.e. Rs. 4825/. As such 14% of Rs. 4825/- comes to Rs. 675.50/- but the Government has notified Rs. 675/- only royalty to which the petitioner cannot have any around for objection. It may be submitted that the fixed royalty will help the members of the petitioner association from frequent embarrassment which may be faced due to different views with regard to rate.

10. It is fairly settled law that the Govt. or the authority is not required to mention in the order itself under what provision of the law the order was issued. But when the order is questioned, the authority or the Govt. has to show the powers or the provisions of law under which the order in question had been issued and the order in question will be valid if the source of the power for issuing it is traceable to the provisions of law/authority. Even wrong quotation of source of the power in the order will not make the order invalid. In other words, in order to make the order valid," the authority or the Govt. issuing or passing it will have to show the source of the power. Regarding this settled position of law, it will be sufficed to refer to the decisions of the Apex Court (Constitution Bench) in (i) P. Balakotaiah Vs. The Union of India (UOI) and Others, ;(ii) Dr. Ram Manohar Lohia Vs. State of Bihar and Others, and; (iii) Om Prakash and Others Vs. State of U.P. and Others, . The relevant portion of Para 12 of the SCC in Om Prakash"s case (Supra) read as follows:-

12.....Since the appellants questioned the validity of the amended bye-law, it was for them to lay the foundation for challenge and substantiate the same. It is not their case that no special resolution was passed in amending the bye-law. It is too late to challenge the validity of the bye-law on that ground. This apart, mere wrong reference made to the provision in the preamble of the notification containing the amendment of the bye-law does not invalidate the bye-law itself so long as the respondent Board had power to frame a bye-law. This position is also made clear in the same Constitution Bench Judgment, thus (AIR p. 268, para 14)

14. It is true that the preamble to the bye-laws refers clauses A (a), (b) and (c) and J(d) of Section 298 and these clauses undoubtedly are inapplicable; but once it is shown that the impugned bye-laws are within the competence of Respondent 2, the fact that the preamble to the bye-laws mentions clauses which are not relevant would not affect the validity of the bye-laws. The validity of the bye-laws

must be tested by reference to the Question as to whether the Board had the power to make those bye-laws. If the power is otherwise established, the fact that the source of the power has been incorrectly or inaccurately indicated in the preamble to the bye-laws would not make the bye-laws invalid. (vide *P. Balakotaiah Vs. The Union of India (UOI) and Others*,).

11. Taking cue of the ratios laid down by the Apex Court in the cases mentioned above, we look into the source of the power or authority of the Govt. of Meghalaya in issuing the impugned Notification dated 22.06.2012. After careful application of mind in the given case, we are of the considered view that the sources of the power for issuing the impugned Notification dated 22.06.2012 are traceable to (i) the Notification No. G.S.R. 349(E) dated 10.05.2012 of the Govt. of India issued in exercise of the powers conferred u/s 9(3) of the Act of 1957 and (ii) Entries 23 and 50 of the State List i.e. List-II of the Seventh Schedule to the Constitution of India.

12. "The Doctrine of Pith and Substance" and the "Doctrine of Repugnancy":- If in pith and substance, the legislation falls within one entry or the other but some portion of the subject matter of the legislation incidentally trenches upon and might enter a field under another List, then it must be held to be valid in its entirety, even though it might incidentally trenches on matters which are beyond its competence. The application of the doctrine of pith and substance really means that where the legislation falls entirely within the scope of an entry within the competence of a State legislature then this doctrine will apply and the Act will not be struck down. The doctrine of pith and substance was summarized in *Delhi Cloth and General Mills Co. Ltd. and Others Vs. Union of India (UOI) and Others*, . Para 33 of the SCC in *Delhi Cloth & General Mills Co. Ltd. case (Supra)* read as follows:-

33. When a law is impugned on the ground that it is ultra vires the powers of the legislature which enacted it, what has to be ascertained is the true character of the legislation. To do that one must have regard to the enactment as a whole, to its objects and to the scope and effect of its provisions (see *A.S. Krishna Vs. State of Madras*,). To resolve the controversy if it becomes necessary to ascertain to which entry in the three Lists, the legislation is referable, the court has evolved the doctrine of pith and substance. If in pith and substance, the legislation falls within one entry or the other but some portion of the subject matter of the legislation incidentally trenches upon and might enter a field under another List, then it must be held to be valid in its entirety, even though it might incidentally trench on matters which are beyond its competence (see *Ishwari Khetan Sugar Mills (P) Ltd. and Others Vs. State of Uttar Pradesh and Others*, , *Union of India (UOI) Vs. Shri Harbhajan Singh Dhillon*, , *Kerala State Electricity Board Vs. The Indian Aluminium Co. Ltd.*, and *The State of Karnataka and Another Vs. Shri Ranganatha Reddy and Another*, .

13. The doctrine of pith and substance summarized in *Delhi Cloth & General Mills Co. Ltd. case (Supra)* is later on followed by the Apex Court in *I.T.C. Ltd. and*

Others Vs. State of Karnataka and Others, . Para 17 of the SCC in I.T.C. Limited case (Supra) read as follows:-

17. It is also not disputed that u/s 2 of the 1975 Act the entire tobacco industry was taken over by the Central Government. Having thus narrated the admitted facts I would now proceed to the merits of the appeals. To begin with, I might indicate the cardinal principles justifying the competency of the respective Legislatures with respect to the entries concerned:

(1) Entries in each of the List must be given to the most liberal and widest possible interpretation and no attempt should be made to narrow or whittle down the scope of the entries. This is a well settled principle of law and was reiterated in a recent decision of this Court in S.P. Mittal Vs. Union of India (UOI) and Others, . Where this court observed thus: SCC p. 80, para 64)

It may be pointed out that at the very outset that the function of the List is not to confer powers. They merely demarcate the legislative fields. The entries in the three Lists are only legislative heads or field of legislation and the power to legislate is given to appropriate Legislature by Articles 245 and 248 (sic 246) of the Constitution.

(2) The application of the doctrine of pith and substance really means that where a legislation falls entirely within the scope of an entry within the competence of a State Legislature then this doctrine will apply and the Act will not be struck down. The doctrine of pith and substance has been summarized in the case of Delhi Cloth and General Mills Co. Ltd. and Others Vs. Union of India (UOI) and Others, where Desai, J. speaking for the court made following observations: (SCC p. 192, para 33)

To resolve the controversy if it becomes necessary to ascertain to which entry in the three Lists, the legislation is preferable, the court has evolved the doctrine of pith and substance. If in pith and substance, the legislation falls within one entry or the other but some portion of the subject-matter of the legislation incidentally trenches upon and might enter a field upon another List, then it must be held to be valid in its entirety, even though it might incidentally trench on matters which are beyond its competence.

(3) The consideration of encroachment or entrenchment of one List in another and the extent thereof is also well established. If the entrenchment is minimal and does not affect the dominant part of some other entry, which is not within the competence of the State Legislature, the Act may be upheld as constitutionally valid.

(4) The nature and character of the scope of the entries having regard to the touchstone of the provisions of articles 245 and 246 .

(5) The doctrine of occupied field has a great place in the interpretation as to whether or not the particular Legislature is competent to legislate on a particular entry. This means that when the field is completely occupied by List I, as in the

case, then the State Legislature is wholly incompetent to legislate and no entrenchment or encroachment, minimal or otherwise, by a State legislature is permitted. In other words, where the field is not wholly occupied, then a mere minimal encroachment or entrenchment would not affect the validity of the State Legislation.

14. The principles of repugnancy in Indian Constitution are summarized in a catena of cases by the Apex Court. The principles of repugnancy in Indian Constitution are now well settled. Para 230 of the SCC in *I.T.C. Limited case* (Supra) read as follows:-

230. It appears that the principles of repugnancy in Indian Constitution are well settled. These are as follows:

(1) A legislation, which in its pith and substance, falls within any of the entries of List I of the Seventh Schedule to the Constitution, would be exclusively within the competence of the parliament.

(2) A legislation falling exclusively, in its pith and substance, within any of the entries in List II of the Seventh Schedule, would be within the exclusive competence of the State Legislature.

(3) A Central law which in its pith and substance, falls within any entry in List I would be valid even though it might contain incidental provisions in List II which may contain ancillary provisions which might touch on an entry of list I incidentally.

(4) A State law, which in its pith and substance, within any entry in List II would be valid even though it might incidentally touch upon a subject falling within List I.

(5) A Central law, which in its pith and substance, dealt with a subject falling within List II would be bad and ultra vires the constitution. Similarly, a State Law which in its pith and substance dealt with a matter falling within List I would be invalid and ultra vires the Constitution.

(6) The concept of repugnancy arises only with regard to laws dealing with subjects covered by the entries falling in List III, in respect of which both Parliament and State Legislature are competent to legislate. Under Article 254 of the Constitution, a State law passed in respect of the subject-matter comprised in List III would be invalid if its provision were repugnant to a law passed on the same subject by the Parliament. The repugnancy arose only if both the laws could not exist together. Repugnancy does not arise simply because Parliament and the States pass law on the same subject. There cannot be any repugnancy in respect of the state laws passed in respect of subject matters falling in pith and substance in List II or in respect of Central laws passed on subjects falling in List I. Parliament cannot legislate on a State subject and State cannot legislate on a Central subject. If either trenches upon the field of the other the law will be ultra vires. See in this connection *Hoechst Pharmaceuticals Ltd. and Others Vs. State*

of Bihar and Others, , Ram Chandra Kailash Kumar and Company and Others Vs. State of U.P. and Another, at page 135 and The Calcutta Gas Company (Proprietary) Ltd. Vs. The State of West Bengal and Others, .Like Entry 25 of List II-Gas and gas Works-without any limitation Entry 28 in List II-in respect of any legislation which is in substance and true nature deals with "market and fairs" read with Entry 66 of the said List has complete ascendancy and there cannot be any intrusion of that field by another entry-See in this connection the discussion on "Union & State Relation under the Indian Constitution"-M.C. Setalvad-p. 48, 49. In The Calcutta Gas Company (Proprietary) Ltd. Vs. The State of West Bengal and Others, by comparison of Entry 7 and Entry-52 of List I with Entry 25 of List II, this Court upheld State Legislation of takeover of the Gas Industry inspite of declaration under Entry 52.

15. While issuing the impugned Notification dated 22.06.2012 by the State Govt., the principles of repugnancy is not attracted inasmuch as, there cannot be any repugnancy in respect of the State law or order of the State passed in respect of matters in pith and substance falls within the two entries in the List-II and the State law or order which in its pith and substance falls within any entry in List-II, would be valid even though it might incidentally trenches upon a subject falling within List-I. In the case in hand, the impugned Notification dated 22.06.2012, which in its pith and substance falls within the Entries 23 & 50 of the List-II would be valid and there is not even incidental trenches upon the subject falling within List-I inasmuch as, the State of Meghalaya issued the impugned Notification dated 22.06.2012 in pursuance of the said Notification of the Central Govt. No. G.S.R. 349(E) dated 10.05.2012. For the sake of repetition, it is reiterated that the impugned Notification dated 22.06.2012 is issued within the subject matter covered by the Entries 23 & 50 of the State List-II in pursuance of the Central Govt. Notification No. G.S.R. 349(E) New Delhi, dated 10.05.2012 for revising or fixing the rate of royalty on coal in exercise of the powers of the Central Govt. u/s 9(3) of the Act of 1957. For the foregoing discussions and reasons, we are of the considered view that this writ petition is devoid of merit and accordingly dismissed. Any interim order passed in the present writ petition also stands vacated.