

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No.3071 of 2020

PANEM Coal Mines Limited, registered office, 6 Purbi Marg, Vasant Vihar, New Delhi-110057, and having its branch Office at Amrapara, District Pakur, Jharkhand, through its Director, Vishwanath Dutta, son of Late Yasoda Dutta, Tagore Road Ushagram Asansol, P.O. & P.S. Asansol, District Bardhaman, W.B. **... .. Petitioner**

Versus

1. The State of Jharkhand.
2. Department of Mines and Geology, Government of Jharkhand, Ranchi, P.O. + P.S. Doranda, District Ranchi.
3. Certificate Officer, Mines-cum-Deputy Director, Santhal Parganas Circle, P.O. + P.S. Dumka, District Dumka.
4. Punjab State Electricity Board, head office at the Mall, Patiala, P.O. + P.S. Mall.

... .. Respondents

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Amit Kumar Das, Advocate
 Mr. Lukesh Kumar, Advocate

For the Respondent(s): AC to AG
 Mr. Mohan Kumar Dubey, Advocate

17/ 07.05.2026

By filing this writ petition, the petitioner has prayed for the following reliefs:-

- "(i) *to quash the entire certificate proceeding bearing Certificate Case No.1/16-17 and certificate dated 07.09.2016 for royalty of Rs.24,71,09,108/- as against removal of coal for the Financial Year 2014-15 as being arbitrary, illegal and without jurisdiction in view of the fact that the said certificate stands vitiated in law in view of the fact that provisional assessment and demand of provisional royalty on taking the average rates of imaginary grade 6, 7 & 8 of the coal sample awaiting finalization of the grade by the Government Accredited Laboratory is*

no certificate as contemplated under the act.

- (ii) This Hon'ble Court may be pleased to hold and declare that under the act the certificate has the force of the decree and must include final assessment, final demand and final adjudication and therefore the instant certificate proceeding is not maintainable, arbitrary, illegal and without jurisdiction.*
- (iii) This Hon'ble Court may be pleased to quash the entire certificate proceeding bearing Certificate Case No.1/2016-2017 including the certificate dated 07.09.2016 for royalty of Rs.24,71,09,108/- as against removal of Coal for the financial year 2014-2015 as being arbitrary illegal and without jurisdiction as for the same financial year of 2014-2015 the petitioner is being proceeded against the Certificate Case No.4/2015-2016 for payment of royalty of Rs.20,25,29,750/- forming part of the certificate dated 11.06.2015.*
- (iv) This Hon'ble Court may be pleased to quash the order dated 08.03.2017 passed by the Certificate Officer, Mines, Santhal Parganas Circle, Dumka as the same is wholly mechanical and does not assign any reason and without consideration of the Objection Petition dated 17.10.2016.*
- (v) This Hon'ble Court may be pleased to hold and declare that initiation of two certificate proceedings for payment of royalty as against the removal of coal for the same financial year 2014-2015 are rendered perverse, as under the law no one can be vexed twice for the same cause and therefore the instant proceeding bearing certificate case no.01/2016-2017 stands*

vitiated in law.

- (vi) *This Hon'ble Court may be pleased to hold and declare that both the certificate proceedings bearing the instant Certificate Case No.01/2016-2017 and another Certificate Case No.04/2015-2016 for the same financial year 2014-2015 differ in the assessment of royalty by about 4 lacs and therefore in absence of definite assessment of the royalty amount the certificate becomes non-existent under the Act. As the certificates under the Act have the force of a decree, which in any case has to be definite and not uncertain."*

2. Heard learned counsel representing the petitioner and learned counsel representing the respondents.

3. After going through the impugned order dated 08.03.2017, I find that the Certificate Officer had dismissed the objection of the petitioner under Section 9 of "Bihar and Orissa Public Demands Recovery Act, 1914", and directed the petitioner to deposit the entire certificate amount.

3.1. The impugned order is absolutely cryptic. No reason has been given as to why the objection of the petitioner has not been considered.

3.2. Further, from the impugned order, it is clear that counsel representing the petitioner prayed for some time on the ground of ill health of senior counsel, but the same was also not accepted. A cryptic and unreasoned order has been passed without hearing, which cannot be justified.

3.3. Thus, the impugned order dated 08.03.2017 passed in

Certificate Case No.1/2016-17, by the Certificate Officer, Mines, Santhal Parganas Circle, Dumka, is hereby set aside.

3.4. The matter is remanded back to the Certificate Officer, Mines, Santhal Parganas Circle, Dumka, to pass a fresh order, after giving opportunity of hearing to all the parties concerned.

3.5. It is made clear that on the date so fixed by the Certificate Officer, the petitioner must argue his case and he should cooperate in the hearing, otherwise it will be open to the Certificate Officer to pass a reasoned order ex-parte.

4. With the aforesaid observation and direction, this writ petition stands **allowed**.

(ANANDA SEN, J.)

07th May, 2026
Prashant. Cp-2

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