

## HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Civil Writ Petition No. 14645/2021

1. Nuvoco Vistas Corporation Ltd., Having Its Registered Office At Equinox Business Park, Tower 3, East Wing, 4Th Floor, Lbs Marg, Kurla (West) Kurla Mumbai City Mh 400070 In And One Of Its Manufacturing Unit At Village Nimbol, Tehsil Jaitaran, District Pali Rajasthan Through Its Authorized Signatory Mr. Parixit Khiriya S/o Kailash Danji, Aged 41 Years, Resident Of Geeta Bhawan Colony, Tehsil Jaitaran, District Pali, Rajasthan.
2. Nirma Limited, Having Its Registered Office At Nirma House Ashram Road, Nr. Income Tax Circle, Ahmedabad 380009 Through Its Parixit Khiriya S/o Kailash Danji, Aged 41 Years, Resident Of Geeta Bhawan Colony, Tehsil Jaitaran, District Pali, Rajasthan.

-----Petitioners

Versus

1. The State Of Rajasthan, Through Additional Chief Secretary, Mines And Petroleum Department, Government Of Rajasthan, Secretariat, Jaipur.
2. The Secretary, Mines (Group-2) Department, Government Of Rajasthan, Secretariat, Jaipur, Rajasthan.
3. The Director, Directorate Of Mines And Geology, Government Of Rajasthan, Udaipur.
4. The Superintending Mining Engineer, Directorate Of Mines And Geology, Government Of Rajasthan, Udaipur.
5. The Mining Engineer, Directorate Of Mines And Geology, Government Of Rajasthan, Sojat City, Pali.

-----Respondents

Connected With

S.B. Civil Writ Petition No. 6784/2018

1. Nirma Limited, Having Its Registered Office At Nirma House, Ashram Road, Nr. Income Tax Circle, Ahmedabad And One Of Its Manufacturing Unit At Village Nimbol, Tehsil Jaitaran, District Pali, Rajasthan.
2. Shri Rakesh Karsanbhai Patel, A Shareholder Of Nirma Limited, Residing At Nima Farms, S.g. Highway, Makarba, Ahmedabad-380058, Gujarat.

-----Petitioners

## Versus

1. The State Of Rajasthan Through The Principal Secretary, Mines And Petroleum Department, Govt. Of Rajasthan, Having Its Office At Secretariat, Jaipur At Rajasthan.
2. Director, Mines And Geology, Government Of Rajasthan, Khanij Bhawan, Udaipur-313001.
3. Superintending Mining Engineer H.q. Ii, Udaipur, Mines And Geology, Government Of Rajasthan Khanij Bhavan, Udaipur-313001.

-----Respondents

S.B. Civil Writ Petition No. 15894/2021

1. Nuvoco Vistas Corp. Ltd., Having Its Registered Office At Equinox Business Park, Tower 3, East Wing, 4Th Floor, Lbs Marg, Kurla (West) Kurla Mumbai City Mh 400070 In And One Of Its Manufacturing Unit At Village Nimbol, Tehsil Jaitaran, District Pali Rajasthan Through Its Authorized Signatory Mr. Parixit Khiriya S/o Kailash Danji, Aged 41 Years, Resident O Geeta Bhawan Colony, Tehsil Jaitaran, District Pali, Rajasthan.
2. Nirma Limited, Having Its Registered Office At Nirma House Ashram Road, Nr. Income Tax Circle, Ahmedabad-380009 Through Its Parixit Khiriya S/o Kailash Danji, Aged 41 Years, R/o Geeta Bhawan Colony, Tehsil Jaitaran, District Pali, Rajasthan.

-----Petitioners

## Versus

1. State Of Rajasthan, Through Joint Secretary, Mines And Petroleum Department, Government Of Rajasthan, Secretariat, Jaipur.
2. The Secretary Mines (Group-2) Department, Government Of Rajasthan, Secretariat, Jaipur, Rajasthan.
3. The Director, Directorate Of Mines And Geology, Government Of Rajasthan, Udaipur.
4. The Superintending Mining Engineer, Directorate Of Mines And Geology, Government Of Rajasthan, Udaipur.
5. The Mining Engineer, Directorate Of Mines And Geology, Government Of Rajasthan, Sojat City.

-----Respondents

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|-------------------|---|---------------------------------------------------------------------|
| For Petitioner(s) | : | Mr. Krishnan Venugopal, Sr. Advocate<br>assisted by Mr. Vikas Balia |
| For Respondent(s) | : | Mr. Sandeep Shah, AAG assisted by<br>Ms. Akshiti Singhvi            |

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**JUSTICE DINESH MEHTA**

**Order**

**17/12/2021**

**SB Civil Writ Petition No.15894/2021 :**

1. The Bench is only till 1.00 pm and due to paucity of time, the matter cannot be taken up.
2. Mr. Venugopal, learned Senior Counsel, appearing for the petitioners submits that in case interim order in the writ petition (SB Civil Writ Petition No.15894/2021) is not passed, the respondent – State may create third party rights qua the land (covered by application for M.L. No.156/2012) in question for which according to the respondent – State, the petitioners’ rights have been wiped out or obliterated in the teeth of amendment brought by the Mines and Mineral (Development and Regulation) Amendment Act, 2021.
3. While informing that the present writ petition also involves the same controversy as the other connected writ petitions, learned Senior Counsel prays that till the next date, no third party rights be created.
4. Mr. Shah, learned Additional Advocate General, opposes the grant of interim relief and vehemently submits that the matter is required to be considered separately, as the present case is factually different.

5. It is also asserted that the reason for which interim order was passed by this Court in connected matters was, that the cement plant was being operated pursuant to license, whereas present application for grant of mining lease was pending and the cement plant was not dependent upon the same.

6. It is not in dispute that application in question was also for captive consumption.

7. Be that as it may. In case during winter vacations, if the State proceeds to create third party rights, the rights of the petitioner would be definitely affected, whereas no benefit would be gained by the State. Such attempt will lead to multiplicity of litigation.

8. List the matter on 05.01.2022, as prayed.

9. Till then, no third party rights shall be created qua the land covered by petitioner's application for M.L. No.156/2012.

**SB Civil Writ Petition No.14645/2021 & 6784/2018 :**

List these matters on 05.01.2022 along with connected matter.

Interim order shall continue till then.

**(DINESH MEHTA),J**

131 to 133-A.Arora/-

सत्यमेव जयते