

ITEM NO.101

COURT NO.7

SECTION XV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SCivil Appeal No(s). 4632/2009

STATE OF RAJASTHAN & ORS.

Appellant(s)

VERSUS

ASSOCIATED STONE INDS., KOTAH LTD. & ANR.

Respondent(s)

Date : 01-12-2022 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE SUDHANSHU DHULIA

For Appellant(s)

Mr. Manish Singhvi, Sr. Adv.
Mr. Milind Kumar, AOR
Mr. Arpit Prakash, Adv.
Mr. Vikalp Sharma, Adv.

For Respondent(s)

Mr. Wasim Qadri, Adv.
Ms. Sunita Sharma, Adv.
Ms. Ruchi Kohli, Adv.
Ms. Shreya Jain, Adv.
Mr. G.S. Makkar, AORMr. Puneet Jain, Adv.
Ms. Christi Jain, Adv.
Mr. Yogit Kamat, Adv.
Ms. Shipra Singh, Adv.
Ms. Pratibha Jain, AOR
Mrs. Anil Katiyar, AORUPON hearing the counsel the Court made the following
O R D E R

The appellant- The state of Rajasthan would file an affidavit whether the letter/communication dated 13.08.1975 was issued by the State Government under the Rule 17 (1) (c) of The Rajasthan Minor

Mineral Concessions Rules, 1959 (Rules). The relevant file notings along with the relevant procedure prescribed and applicable at the time, would be enclosed and elucidated in the affidavit.

The second question which arises for consideration would be the effect of non-publication of the communication in the official gazette, if the State Government claims that the letter/communication is a notification under Section 17 (1) (c) of the Rules.

The third issue, which arises for consideration relates to the modification of terms of the contract by in view of the amendments in the Rules.

Dehors the three issues, the core aspect which would require examination is whether the delegators - State loses its rights to prescribe the rate of royalty in view of the Rule 42 read with Schedule- III of The Rules.

The said affidavit would be filed within a period of four weeks.

Rejoinder/response, if any, would be filed within a period of two weeks.

Not to be treated as part heard.

Re-list in the month of January, 2023.

(BABITA PANDEY)
COURT MASTER (SH)

(KAMLESH RAWAT)
COURT MASTER (NSH)