
(2021) 03 UK CK 0183

Uttarakhand High Court

Case No: Writ Petition (M/S) No. 746 Of 2021

M/s SCCPL-HCCPL
(Joint Venture)

APPELLANT

Vs

Mining Department,
District Chamoli &
Others

RESPONDENT

Date of Decision: March 25, 2021

Hon'ble Judges: Manoj Kumar Tiwari, J

Bench: Single Bench

Advocate: Siddhartha Singh, G.S. Negi

Final Decision: Disposed Of

Judgement

Manoj Kumar Tiwari, J

1. Petitioner is a contractor, who is engaged in construction of All Weather Road from Karanpryag to Chamoli. Respondent No. 1 had passed an

order under provisions of Uttarakhand Minerals (Prevention of Illegal Mining, Transportation & Storage) Rules, 2005, imposing penalty of Rs.

31,50,000/- upon the petitioner. Based on the said order, Collector, Chamoli issued a recovery certificate.

2. Feeling aggrieved, petitioner filed an appeal before the Divisional Commissioner Garhwal along with stay application. The Divisional Commissioner

vide order dated 23.01.2021 admitted the appeal, issued notice, but did not consider petitioner's stay application.

3. According to the petitioner, in the absence of any protection granted by the Appellate Authority i.e. Divisional Commissioner, petitioner was

compelled to deposit a sum of Rs. 11,50,000/-. He further submits that the Revenue Authorities have seized four vehicles of the petitioner, which were

engaged in the construction work and further coercive steps are being taken against them.

4. By means of this writ petition, petitioner has sought following relief:-

(i) Issue a writ, order or direction in the nature of certiorari quashing the part of impugned order dated 23.01.2021 passed by respondent no. 3 in

Appeal No. 32 of 2020-21 M/s SCCPL-HCCPL Vs State and another and further to allow the interim relief application.

5. Since petitioner's appeal has been admitted and his stay application is pending before the Appellate Authority, therefore, the writ petition is

disposed of with a direction to the Appellate Authority to consider and decide petitioner's stay application, in accordance with law, within four

weeks from the date of production of certified copy of this order. For a period of four weeks or till decision on petitioner's application, whichever

is earlier, no recovery shall be made from the petitioner.

6. Petitioner shall also be at liberty to move an application for release of the vehicles, seized by the Revenue Authorities, which shall be favourably

considered by the Revenue Authorities.

7. Let certified copy of this order be supplied to the petitioner today itself.