

**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL**

**Writ Petition (M/S) No. 1876 of 2018**

M/s Raj Laxmi Stone Crusher .....Petitioner

Versus

State of Uttarakhand & others

...Respondents

**Present:-** Mr. S.R.S. Gill, Advocate for the petitioner.  
Mr. K.N. Joshi, Deputy Advocate General for the State/respondents.

**Hon'ble Sudhanshu Dhulia, J. (Oral)**

The petitioner is a proprietor of a stone crusher i.e. M/s Raj Laxmi Stone Crusher Bazpur, District Udham Singh Nagar. On 11.04.2016, an inspection of the petitioner's premises was made by the respondent authorities where excess riverbed material was found. On this, proceedings were initiated and a show cause notice was given to the petitioner and he was asked to explain as to why the excess material is lying in his premises. Since the petitioner was not able to give satisfactory reply to the authorities, a penalty of Rs.17,68,810/- (Rupees Seventeen Lakhs Sixty Eight Thousand Eight Hundred Ten Only) was imposed on 19.01.2018 against the petitioner. Against this order, the petitioner preferred an appeal before the Divisional Commissioner, Kumaon, which is presently pending.

2. Admittedly the petitioner has not paid the penalty as yet and continued to operate his stone crusher in spite of the aforesaid penalty. On 23.05.2018, the Deputy Director, Mining gave a notice to the petitioner and other similarly situated persons asking them to deposit the amount of penalty and in case they do not deposit the same within a

period of one week, then material which is being sold through E-Portal will be stopped.

3. In this connection, it may be necessary to mention that for selling the mining material through E-Portal, each of the stone crushers have been provided separate E-Codes. Since the petitioner admittedly did not deposit the penalty, his Code has been blocked with the result that the petitioner cannot take out the finished products from his factory premises, and therefore, no sale of material is possible. Aggrieved, the petitioner has filed the present writ petition before this Court.

4. This Court does not find any ground to interfere in the matter as admittedly the E-Code of the petitioner has been blocked on account of his failure to deposit the penalty.

5. In case the petitioner deposits the entire penalty along with the interest which shall be calculated from 19.01.2018 and submits the proof of the same to the Deputy Directory, Mining and the relevant authorities, the concerned authority may consider revoking its order by which the E-Code of the petitioner has been blocked. It is made clear that the deposition of the penalty (if deposited by the petitioner) shall be further subject to the final decision of the appeal pending before the Commissioner.

6. With the above observations, the writ petition stands disposed.

7. Let a certified copy of this order be given today itself on payment of usual charges.

**(Sudhanshu Dhulia, J.)**

04.07.2018