

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 1590 of 2021

Industries and Commerce Association having its registered office at Hirapur,
Dhanbad, through its President Baidya Nath Singh Petitioner

Versus

The State of Jharkhand, through its Chief Secretary & Ors. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Mr. Biren Poddar, Sr. Advocate

For the Respondents : Mr. P.A.S. Pati, G.A.-II

03/09.09.2021 The present case is taken up through video conferencing.

At the request of the learned senior counsel for the petitioner, the defects, as pointed out by the office, are ignored for the present.

Mr. Biren Poddar, learned senior counsel for the petitioner, submits that the petitioner is an association of 75 members (the list of the members has been annexed as Annexure-1 to the writ petition) who own and possess their respective hard coke plants/units. It is further submitted that the members of the petitioner-association carry on their respective businesses of operating hard coke manufacturing units (commonly referred as 'cookery'). Such units are registered as small-scale industries. The basic and essential raw materials for manufacturing hard coke are coking coal which the members of the petitioner-association use to purchase from the coal company namely M/s. Bharat Coking Coal Limited (BCCL). Learned senior counsel for the petitioner while referring to rule 13 of the Jharkhand Forest Produce Transit (Regulation of Transport) Rules, 2020 (in short, "the Rules, 2020"), submits that only the mining lease holder/authorized person of mining area is required to make application in the prescribed form before the concerned Divisional Forest Officer to obtain the transit permit for transportation of minerals under the said provision.

In sum and substance, the case of the petitioner is that since its members are not mining lease holders, rather they purchase the coal from the mining lease holders (in the present case-M/s BCCL) and after processing the same they resell it in the market, they are not covered under the provisions of the Rule, 2020 so as to obtain transit permit for transportation of processed hard coke.

Mr. P.A.S. Pati, learned G.A.-II appearing on behalf of the respondents, prays for a short adjournment to respond to the said submission of the learned senior counsel for the petitioner.

In view of the said prayer, put up this case on 15.09.2021 under appropriate heading.