



HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No. 3241 of 2026

16 October, 2026

M/s Dharamraj Contracts India Pvt. Ltd. –Petitioner

Versus

State Of Uttarakhand and Others --Respondents

Presence:-

Mr. Arvind Vashisth, learned senior counsel assisted by Mr. Racht Manglik, learned counsel holding brief of Ms. Devanshi Joshi, learned counsel for petitioner.

Mr. Yogesh Pandey, learned D.A.G. for the State of Uttarakhand/respondents.

Hon'ble Pankaj Purohit, J.

Petitioner has come up before this Court with the premise that certain dues i.e. ₹52,57,936/- regarding demand of royalty was pending against petitioner pertaining to year 2018-19.

2. Petitioner has earlier instituted the Writ Petition (M/S) No.180 of 2023 *M/s Dharamraj Construction Vs. State of Uttarakhand and Others*, whereby, Coordinate Bench of this Court has dismissed the same vide judgment and order dated 07.11.2023 and upheld the demand raised by the respondents-State.

3. It is contended by learned senior counsel for petitioner that after dismissal of the writ petition, respondent-State started recovery proceedings



amounting to ₹52,57,936/- from petitioner vide notice of demand dated 01.07.2026 (Annexure No.19 to the writ petition). It is further contended by him that petitioner had already paid ₹85,45,871/- to the State Government against the demand of royalty of ₹52,57,936/-.

4. Learned senior counsel for petitioner submits that against the said notice of demand, statutory appeal provided under Rule 13(2)(b) of the Uttarakhand Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2005 (as amended up to date) was preferred by petitioner on 24.09.2026 before the learned Commissioner, Garhwal Division, which is registered as Appeal No.13 of 2025-26 *M/s Dharamraj Contracts India Pvt Ltd Vs. State of Uttarakhand*.

5. Learned senior counsel for petitioner contends that the said appeal is still pending disposal and the next date of hearing of the same is 30.10.2026. Petitioner seeks indulgence of this Court only to the extent that a direction be issued to the learned Appellate Authority to decide the aforesaid Appeal within stipulated time and till then, recovery of the amount, which is challenged in the Appeal, be stayed keeping in view the fact that petitioner has already paid ₹85,45,871/- which is more than the original demand notice i.e. ₹52,57,936/-.

6. Per contra, learned State Counsel submits that in Appeal, it has not been pleaded by the petitioner that he has paid ₹85,45,871/- pursuant to



the aforesaid recovery amounting to ₹52,57,936/-.

7. Be that as it may, the prayer made by petitioner in the present writ petition is limited and appears to be innocuous, only due to the reason that petitioner has come up before this Court because he has paid over and above ₹52,57,936/- pursuant to demand of royalty. This Court intends to intervene in the matter.

8. Accordingly, the writ petition is finally disposed of. Appellate Authority i.e. Commissioner, Garhwal Division, is directed to decide the Appeal No.13 of 2025-26 *M/s Dharamraj Contracts India Pvt Ltd Vs. State of Uttarakhand*, pending before it under Rule 13(2)(b) of the Uttarakhand Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2005, on 30.10.2026 or in any case, within 10 days after 30.10.2026.

9. It is provided that till the aforesaid Appeal is decided as stated above, no recovery shall be made from the petitioner.

10. Pending application stands disposed of.

(Pankaj Purohit, J.)

16.10.2026

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