

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (C) NO(S). 31017/2026

[ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 29-07-2026
IN WP NO. 6690/2023 PASSED BY THE HIGH COURT OF KARNATAKA AT
BENGALURU]

M/S. MSPL LIMITED

PETITIONER(S)

VERSUS

THE STATE OF KARNATAKA & ORS.

RESPONDENT(S)

FOR ADMISSION

WITH

SLP(C) NO. 31029/2026 (IV-A)
FOR ADMISSION

Date : 07-09-2026 These petitions were called on for hearing today.

CORAM : HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) : Mr. Mukul Rohatgi, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawala, Adv.
Mr. M.s. Ananth, Adv.
Ms. Kamakshi Sehgal, Adv.
Ms. Ameesha Malhotra, Adv.
Mr. E. C. Agrawala, AOR

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

We have heard learned senior counsel Sri Mukul
Rohatgi for the petitioner extensively in the matter.

We have also perused the material on record.

Our attention has been drawn to the notice dated
01/03.06.2022 issued by the Deputy Director, Department of

Mines and Geology, Hosapete to the petitioner herein which has been quashed by the High Court.

By the said notice, the third respondent had directed the petitioner herein not to convert the ore with the size + 10 MM (Lumps) to -10MM (Fines) size by crushing, and to maintain *status quo* with regard to the already processed-10MM (Fines), approximately 5957 MT, till further orders. Being aggrieved by the same, the petitioner had preferred the Writ Petition before the High Court. The said notice dated 03.06.2022 has been set aside by the High court by allowing the Writ Petition in-part.

The contention of learned senior counsel for the petitioner is that the notice dated 03.06.2022 has been set aside but with regard to the accumulation of the Run-Of-Mine (ROM) on the leased area from 2022 onwards (legacy ROM), the proviso to Rule 39(1) of the Amendment Rules, could not have been applied to the legacy ROM lying on the leased area. In other words, now that the High Court has set aside the notice dated 03.06.2022, the proviso could not have been applied to the legacy ROM lying on the leased area between the period 2022 till the date of the enforcement of the proviso to Rule 39 retrospectively.

On the one hand, the impugned notice banned certain activities, but for which the petitioner would have processed the ROM and the amendment is now being applied retrospectively since 2022 in the case of this petitioner.

We have considered this submission in light of the

impugned order and the peculiar facts of this case.

We find that on the interpretation of the proviso to Rule 39(1), we are not inclined to interfere in the matter.

But on the peculiar facts of this case, we note that when notice dated 03.06.2022 issued to the petitioner herein has also been quashed by the High Court, liberty ought to be reserved to the petitioner herein to make a representation to the Department of Mines and Geology with regard to the applicability of the proviso to the ROM which has been lying on the leased area with effect from 03.06.2022.

If such an application is made by the petitioner herein, the same shall be considered on the peculiar facts of this case and in accordance with law. If such a representation is made by the petitioner herein, the same shall be considered particularly having regard to the fact that the notice dated 03.06.2022 has been quashed.

For the purpose of consideration of the representation, the State may also conduct a survey of the legacy ROM lying on the leased area of the petitioner in case of necessity.

We clarify that we have not interfered with the interpretation given to the proviso to Rule 39(1) by the Division Bench of the High Court.

The Special Leave Petitions are disposed of in the aforesaid terms.

Pending application(s), if any, shall stand disposed
of.

(B. LAKSHMI MANIKYA VALLI)
COURT MASTER (SH)

(DIVYA BABBAR)
COURT MASTER (NSH)