

OFFICE OF THE ENGINEER-IN-CHIEF (CIVIL)  
ODISHA : BHUBANESWAR.

File No. CERP-PROJ-65/2015-

42518

Dt. 29.09.18

From

**Sri Om Prakash Patel**  
OSD-Cum-Chief Engineer, (DPI & Roads),  
Odisha, Bhubaneswar.

To

The All Superintending Engineers (R&B) Circles.  
& Executive Engineers (R&B) Divisions.

*Sub: Guidelines for computing the amount of royalty eligible for reimbursement in pursuance of the direction of Hon'ble High Court Passed in WP (C) No- 11830/2013 filed by Rohit Das Construction Pvt. Ltd.*

*Ref:- This Office Letter No- 55367 dt. 15.12.2016.*

Sir,

Please refer to this office letter under reference, where in the Steel & Mines Department OM No-9448 dt. 01.12.2016 on the amount of royalty eligible for reimbursement in pursuance of the direction of Hon'ble High Court of Orissa passed in WP @ No-11830/2013 filed in Rohit Kumar Das Construction Pvt. Ltd was communicated to you, which is self-explanatory. You are hereby requested to implement the same at your level without any further correspondence & intimate status to this office. If any legal compliancy arises due to delay at your end, you will be solely held responsible.

Yours faithfully

OSD-Cum- Chief Engineer (DPI & Roads) Odisha.

Memo No

42519

Dt.

29.09.18

Copy submitted to the Engineer-in-Chief – Cum- Secretary, Works Department, Government of Odisha for favour of kind information and necessary action.

OSD-Cum- Chief Engineer (DPI & Roads) Odisha.

Memo No

42520

Dt.

29.09.18

Copy along with minutes of meeting forwarded to Superintending Engineer (Roads) / Superintending Engineer (Projects) / Financial Advisor / Sr. Divisional Accounts Officer, / Asst. to Chief Engineer, (Roads) / Executive Engineer (Civil) / Asst. to Chief Engineer, DPI / Executive Engineer, PMU / Executive Engineer (AM&P) / Financial Management Specialist, PMU / Executive Engineer, Projects, / Executive Engineer, Bridges of this Office for information and necessary action.

OSD-Cum- Chief Engineer (DPI & Roads) Odisha.

**Minutes of the Meeting held on dt. 22.09.2018 at. 12.30 P.M. in the Conference Hall of Chief Engineer, DPI & Roads Odisha, regarding Computing amount of Royalty eligible for reimbursement in pursuance of the direction of Ho'ble High Court, Orissa as per Government of Odisha Department of Steel & Mines ,OM No- 9948 dt. 01.12.2016.**

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A meeting on computing amount of royalty eligible for reimbursement in pursuance of the direction of Ho'ble High Court, Orissa as per Government of Odisha Department of Steel & Mines ,OM No- 9948 dt. 01.12.2016 was held under the Chairmanship of Chief Engineer DPI & Roads, Odisha & the members present in the meeting is enclosed Annexure-I. In initiating discussion the Executive Engineer, Bridges intimated all members present in the meeting that many a Divisions have sought clarification on computation of royalty. Even contempt cases have been filed against EIC-Cum-Secretary on this regard.

The Steel & Mines Department is there OM No-9948 dt.01.12.2016 has issued guidelines for refund / adjustment of enhanced royalty charges on Minor Minerals collected from the contractors with effect from dt. 01.09.2010 & 01.09.2013 in compliance to the order of Hon'ble High Court passed in WP (C) No-11830/2013 filed by Rohit Kumar Das Construction Pvt. Ltd & Batch cases. The Works Department vide their Letter No-15908 dt. 06.12.2016 has instructed to take follow up action immediately as per provisions laid down in the above OM of Steel & Mines Department. The said order was communicated to all the Superintending Engineers & Executive Engineers in charge of Circles & Divisions respectively vide Letter No-55367 dt. 15.12.2016 of Chief Engineer DPI & Roads.

The Executive Engineers of R&B Divisions were requested to dispose of all cases on refund / adjustment of enhanced royalty strictly in accordance with S&M Department O.M. referred above & submit the status report in the proforma sent vide Letter No-23352 dt. 26.05.2018 of Chief Engineer DPI & Roads. Works Department has also asked for the action taken in this regard vide Letter No- 7530 dt. 24.05.2018.

Some Divisions namely Malkangiri, Rairangpur, Rayagada-I, Cultack-I, Kendrapara, Jharsuguda have sought for instruction on deduction of royalty, stating that the amount of royalty recovered from the bills has been added to the estimate & contract price of the respective works.



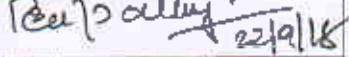







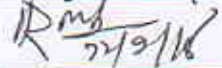
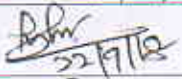
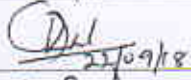

It has been mentioned in the OM No-9948 dt. 01.12.2016 of S&M Department that " Hon'ble High Court in their common order dated 18.03.2015 passed in a batch of cases including W.P. (C) No-11830/2013 filed Rohit Kumar Das Construction Pvt. Ltd- Vrs- State and Others, have declared the automatic enhancement of royalty on minor minerals with effect from 01.09.2010 and 01.09.2013 as unlawful and issued certain directives regarding reimbursement / adjustment/ refund of the excess royalty. The SLP filed by State Government against the said decision has been dismissed by Hon'ble Apex Court. In order to comply with the orders of Hon'ble High Court, the State Government vide Steel & Mines Department Office Order No. 2042 dated 09.12.2015 and No.2270 dated 17.12.2015 constituted a committee under the Chairmanship of Chief Engineer, Roads , Works Department, Odisha to prepare detailed guidelines on the verification procedure to be followed for computing the amount of royalty of minor minerals eligible for reimbursement which were collected at an enhanced rate under the provisions of OMMC Rules 2004. The recommendations of the Committee were further examined in the Finance Department" after consideration of the recommendations Government in Steel & Mines Department has issued the guidelines for refund / adjustment of excess royalty vide the above mentioned office memorandum.

To address the clarifications sought by field Divisions of (R&B) wings detailed discussion was held among the members present in the meeting and it was decided that guideline issued by S&M Department vide OM No-9448 dt. 01.12.2016 & communicated vide this office Letter No-55367 dt.15.12.2016 is self-explanatory and the Executive Engineers are to be instructed to implement the instructions imparted their in at their level without any further delay, and if delayed, the concerned Executive Engineer will be solely responsible if any complicity arises including any litigation on this issue. The Executive Engineers are to the further intimate this office the status of compliance contract wise within a reasonable time frame.

The meeting ended with a vote of thanks to the chair.

  
22.09.2018  
Chief Engineer (DPI & Roads) Odisha.

**Member Presents for Computing Amount of Royalty for Reimbursement on  
dt. 22.09.2018, O/ o the Chief Engineer, DPI & Roads ,Nirman Soudha.**

Sl.No	Name	Designation	Signature.
1	Er.Bijoy Kumar Patnaik	CE DPI & Roads	 22.09.2018
2	Er.Far ,kir Mohan Panigrahi	SE Roads	 22/9/18
3	Er.Bijoy Chandra Tripathy	SE Projects	 22/9/18
4	Er.Manoranjan Mohapatra	F.A O/o EIC (Civil)	 22/9/18
5	Er.Madhusudan Mishra	Sr. DAO O/o EIC (Civil)	 22/9/18
6	Er.Prafulla Kumar Nayak	ACER	 22/9/18
7	Er.Braja Kishor Das	ACEDPI	 22/9/2018
8	Er.Sameer Kota	EE (AM&P)	 22/9/18
9	Er. Dukhabandhu Behera	EE (Bridges)	 22/9/18
10	Er.Niroj Ku.Dash	EE (Civil)	 22/9/18
11	Er. Rathangadhar Rout	EE (LWE-I)	 22/9/18
12	Er. Prafulla Pradhan	EE (Civil)	 22/9/18
13	Er. Ajit Prasad Mohapatra	EE- RCPLWE	 22/9/18
14	Sri Jayadev Mishra	FMS	 22/9/18

15. Manoranjan Mishra EE, DMU

  
22/9/18