

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.39951 of 2015

ORDER:

The grievance of the petitioner is that its revision against the demand notice dated 14.10.2011 issued by the Assistant Director of Mines and Geology (Vigilance), Visakhapatnam, was returned under letter dated 29.10.2015, whereunder the revisionary authority, the Government of Andhra Pradesh, opined that no genuine grounds were enunciated in the application for condonation of delay.

Smt.N.Shoba, learned counsel for the petitioner, stated that aggrieved by the demand notice dated 14.10.2011, the petitioner filed the revision under Rule 35-C of the Andhra Pradesh Minor Mineral Concession Rules, 1966, on 09.12.2011 itself, but as the file was misplaced by the revisionary authority, a copy of the revision was resubmitted on 29.10.2015. According to the learned counsel, this resubmission was treated as filing of a fresh revision and the revisionary authority issued the impugned letter dated 29.10.2015 refusing to condone the delay.

Learned Assistant Government Pleader for Mines and Geology stated on instructions that a copy of the revision filed on 09.12.2011 was not available in the records. However, the petitioner placed on record a copy of the fee payment under Form 'J' in relation to the application for appeal/revision which bears the date 09.12.2011 evidencing that it paid Rs.1,000/- under Treasury Challan No.169092 dated 09.12.2011 towards Revision Fee.

In the light of this document, the claim of the petitioner that the revision was filed on 09.12.2011 gains strength. It appears that the revisionary authority itself misplaced the revision petition and taking advantage of its own lapse, now refuses to condone the delay, though there was no delay at all to speak of. The impugned letter dated 29.10.2015 is accordingly set aside and the revisionary authority, the 1st respondent, is directed to take on file the revision filed by the

petitioner and consider the same in accordance with law. Pending such consideration, the demand notice dated 14.10.2011 shall not be given effect to.

The writ petition is accordingly disposed of.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Date:17.12.2015

GJ