

HON'BLE SRI JUSTICE R. KANTHA RAO

W.P.No.2501 of 2015

ORDER:

Heard learned counsel appearing for the petitioner and learned Government Pleader for Civil Supplies appearing for respondents 1 to 3.

This Writ Petition is filed seeking to declare the action of the 2nd respondent in imposing the condition of furnishing bank guarantee for 100% of seized stock vide Memo dated 13.01.2015 in ECP No.384 of 2014, as arbitrary, illegal and contrary to the provisions of the Andhra Pradesh Scheduled Commodities Dealer's (License) Orders.

The 3rd respondent inspected the rice shop of the petitioner on 01.12.2014 at 10.00 a.m, verified the stock and found that there is variation of 424 quintals of rice and seized the entire stock.

The petitioner filed a claim petition on 19.12.2014 before the 2nd respondent for release of the stock as there is likelihood of damage to the commodities seized. The second respondent vide order dated 13.1.2015 while releasing the seized stock imposed condition on the petitioner to furnish

bank guarantee for 100% of seized stock worth Rs.14,84,000/-.

In the present writ petition, the petitioner seeks to modify the order passed by the 2nd respondent unconditionally.

Learned counsel appearing for the petitioner submits that the petitioner furnished the stock register to the auditor and in fact, the variation is only one quintal, which fact has not been noticed by the inspecting officials.

Upon hearing the learned counsel on either side, this Court is of the opinion that the condition imposed by the 2nd respondent is onerous and the same is liable to be modified.

Accordingly, the Writ Petition is disposed of. The order dated 13.1.2015 passed by the 2nd respondent is modified and the petitioner is directed to furnish bank guarantee for 10% of the seized stock. On furnishing such bank guarantee, the second respondent is directed to release the seized stock to the petitioner. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE R. KANTHA RAO

9th February, 2015
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Note: Issue CC by one week.