

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.13037 OF 2015

Date:01.05.2015

Between:

M/s. S.R. EDIFICE Private Limited,
(Formerly known as S.R. Constructions),
rep., by its Managing Director,
E. Janardhana Rao .. Petitioner

And

The State of Andhra Pradesh,
rep., by its Principal Secretary,
Industries, Commerce, Mines and
Geology Department, Secretariat,
Hyderabad and others .. Respondents

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ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Mines and Geology.

The petitioner herein is a Contractor, who was allotted contract work of execution of Construction of Social Welfare College Hostel Building for Boys at Dharmavaram in Anantapur, vide agreement No.229/APMSIDC/2013-14, dated 31.12.2013, and while the said work was in progress, the petitioner was asked to pay seigniorage charges on sand with one time penalty in terms of G.O.Ms.No.84, Industries & Commerce (M1) Department, dated 10.04.2007, and it was sought to be recovered from the petitioner's bills, which is questioned in this Writ Petition. The petitioner has placed reliance upon orders of this Court in W.P.No.2311 of 2013, wherein similar demand was questioned by another civil contractor who was awarded civil work on behalf of the Government Department. The said writ petition was disposed of by this Court by order dated 29.01.2013 with the following direction.

"Hence, the writ petition is disposed of directing that in case the seigniorage fee on the sand utilized by the petitioner in the works executed by him is deducted from the bills and proof thereof is filed before the Assistant Director of Mines and Geology, the penalty shall not be levied. There shall be no order as to costs."

Learned counsel for the parties have submitted that the issue involved in this writ petition is squarely covered by the aforesaid judgment.

In view of that, this Writ Petition is also disposed of directing that in case the seigniorage fee on the sand utilised by the petitioner in the works executed by him is deducted from the bills and proof thereof is filed before the Assistant Director of Mines and Geology, the penalty shall not be levied. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V. AFZULPURKAR, J

01.05.2015

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