

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.28197 of 2015

ORDER:

This writ petition filed under Article 226 of the Constitution of India, challenges the inaction on the part of the 1st respondent herein in disposing of the statutory revision application, dated 25-02-2014 filed by the petitioner company against the demand notice No.665/Vig-RVEO/2013, dated 14-11-2013.

Heard Sri Pannala Srinivas, learned counsel for the petitioner, Sri B. Narayan Reddy, learned Asst. Solicitor General for the Union of India and learned Government Pleader for Mines and Geology for respondents 2 to 5, apart from perusing the material available before this Court.

The Deputy Director of Mines and Geology, Visakhapatnam – 4th respondent herein issued a demand notice bearing No.665/Vig-RVEO/2013, dated 14-11-2013 asking the petitioner herein to pay an amount of Rs.47,08,050/- (Royalty in Rs.2,26,005/- + sale price of Rs.44,82,044/-). Assailing the validity of the said demand notice the petitioner herein preferred a statutory revision before the 1st respondent on 25-02-2014 under Rule 54 of the Mineral Concession Rules, 1960. Along with the said revision, petitioner herein also filed a stay application, seeking stay of operation of demand notice, dated 14-11-2013 issued by the Deputy Director of Mines and Geology.

The grievance precisely in the present writ petition is that though the petitioner herein filed the said revision as long back as on 25-02-2014 and though the Union Government called for comments on 13-03-2014, no orders have been passed so far on

the said statutory revision filed by the petitioner herein.

There is absolutely no dispute with regard to the factum of filing revision by the petitioner herein before the 1st respondent herein on 25-02-2014 against the demand notice, dated 14-11-2013 issued by the Deputy Director of Mines and Geology and pendency of the same before the 1st respondent – Union Government till date. Since the petitioner herein filed revision in the month of February, 2014 i.e., more than one and half years back, this Court finds no justification on the part of the 1st respondent in not passing any orders on the said statutory revision.

In the facts and circumstances of the case, this Court is of the considered opinion that the ends of justice would be met if a direction is given to the 1st respondent herein to pass appropriate orders on the revision, dated 25-02-2014 filed by the petitioner herein against the demand notice No.665/Vig-RVEO/2013, dated 14-11-2013 issued by the Deputy Director of Mines and Geology by fixing some time frame.

For the aforesaid reasons, the writ petition is disposed of, directing the 1st respondent – Union Government to pass appropriate orders on the statutory revision, dated 25-02-2014 preferred by the petitioner herein against the demand notice bearing No.665/Vig-RVEO/2013, dated 14-11-2013 issued by the Deputy Director of Mines and Geology, Visakhapatnam after giving notice and opportunity of being heard to the petitioner herein, within a period of three (3) months from the date of receipt of a copy of this order.

There shall be no order as to costs.

September 07, 2015

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Note: Furnish C.C. in three (3) days. B/o.Pm

