

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.25059 of 2006

Date: 11.12.2015

Between:

O. Yakaiah,
Warangal District.

.... Petitioner

And

The Executive Engineer, Irrigation,
I&CADD, Irrigation Division,
Warangal District, and another.

... Respondents

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ORDER:

The writ petitioner claims that he belongs to Waddera Community and he is a contractor. His case is that the Government of Andhra Pradesh has issued G.O.Ms.No.286, Industries and Commerce (Mines-I) Department, dated 11.07.1994 exempting the professional wadderas and wadderas Co-operative Societies from payment of seigniorage fee on the minor minerals used by them in execution of the contract. According to the petitioner, he had executed the works of restoration to FDR to Rangasamudram Tank, Rampur Village, Dharmasagar Mandal and Uora Cheruvu, Rampur Village, *vide* Agreement Nos.39/2006-07 and 70/2006-07, dated 22.06.2006 and 26.07.2006 respectively. He submitted final bills to the respondent authority and the respondent authority had deducted a sum of Rs.1,77,003/- and Rs.25,513/- towards seigniorage fee. Though he made a representation dated 16.09.2006 to the respondent authority bringing to his notice G.O.Ms.No.286, dated 11.07.1994, the said amounts were deducted. As the petitioner did not receive any response from the respondent, he filed the present writ petition.

Heard Sri Koonreddy Anji Reddy, learned counsel for the petitioner and learned Government Pleader for Irrigation.

This Court, on 01.12.2006, while admitting the writ petition, directed the respondent to consider the representation of the petitioner dated 16.09.2006 and pass appropriate orders within a period of three weeks.

At the hearing, learned Government Pleader for Irrigation

submitted that pursuant to the order of this Court dated 01.12.2006, the respondent has passed order dated 11.12.2006 rejecting the claim of the petitioner, and he produced a copy of the said order.

A perusal of the order dated 11.12.2006 shows that the sanctioned rates in the estimate are inclusive of seigniorage charges; that the amount of seigniorage fee was recovered from the petitioner in terms of the tender documents as well as the terms of the agreements entered into by the petitioner in relation to the subject works; that the petitioner did not satisfy the criteria laid down in G.O.Ms.No.286, dated 11.07.1994 and that the seigniorage fee which was withheld from the petitioner's bill was made over to the Mining Department.

In the normal circumstances, this writ petition would have been closed in view of the order passed by the respondent pursuant to the order of this Court, since it virtually answers the issue raised by the petitioner in the writ petition. Further, G.O.Ms.No.286, dated 11.07.1994 itself has made it clear that the concession granted to Wadderas is subject to the conditions laid down in G.O.Ms.No.19, Industries & Commerce Department, dated 06.01.1971 and G.O.Ms.No.29, Industries & Commerce Department, dated 18.01.1976.

Inasmuch as the order dated 11.12.2006 passed by the respondent not being clear on this aspect, the Writ Petition is disposed of with a direction to the respondent to consider the above said G.Os comprehensively and pass order with regard to the eligibility of the petitioner in relation to the seigniorage fee, which was deducted from his bills, within a period of 12 weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. The Miscellaneous Petitions filed in this Writ Petition shall stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Date: 11.12.2015

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