

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.535 OF 2012

DATED: 01.06.2015

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Between:

M/s. Hindustan-Ratna (JV), Rep. by its Authorised Signatory
P. Mahendra Kumar Chowdary

.. Petitioner

And

The Government of Andhra Pradesh,
Rep. by its Principal Secretary, Finance and Planning
(Works & Project) Department, Hyderabad, and others.

.. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.535 of 2012

ORDER:

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This writ petition was filed assailing the action of the respondents in seeking to effect recovery of seigniorage charges on sand with one-time penalty from the petitioner in connection with agreement No.06SE/2007-08 dated 19.07.2007.

Learned counsel appearing for the parties are in agreement that the issue arising in this writ petition fell for consideration before this Court earlier in W.P.No.17998 of 2012. A copy of the final order dated 15.11.2012 passed in the

said writ petition is placed on record. It appears that the said order was also followed thereafter in W.P.Nos.9343 and 22663 of 2010.

In terms of the afore-stated orders and for reasons alike as were mentioned therein, this writ petition is disposed of holding that in case the seigniorage fee on the sand utilized by the petitioner in its works has been deducted from its bills and proof thereof is produced before the Assistant Director of Mines and Geology concerned, the penalty shall not be levied.

It is noticed that the writ petition was instituted against the Government of Andhra Pradesh and not the State of Andhra Pradesh. The Government of Andhra Pradesh is not *sui juris* as per Article 300 of the Constitution and Section 79 C.P.C. However, as the writ petition has been pending before this Court since 2012, this Court is not inclined to dismiss the writ petition on this technical ground. The Registry shall cause amendment of the cause title by substituting words 'The State of Andhra Pradesh' in the place of 'The Government of Andhra Pradesh' before issuing a copy of this final order.

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

JUSTICE SANJAY KUMAR

1st June, 2015

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