

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

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WRIT PETITION No. 25296 OF 2015
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ORDER:

This writ petition is filed under Article 226 of the Constitution of India challenges the memo bearing no. 981/M.I(2)/2010-3, Industries and Commerce (Mines-I) Department, dated 06.05.2015, issued by the State Government.

2. Heard Sri Pannala Srinivas, learned counsel for the petitioner and learned Government Pleader for Mines and Geology for the respondents.

3. The Assistant Director of Mines and Geology – 3rd respondent herein issued a notice bearing No.1420/Vg/2009, dated 11.08.2009, directing the petitioner herein to pay an amount of Rs.1,26,220/- towards Normal Seigniorage Fee along with 5 times penalty of Rs.6,31,300/- totalling to a tune of Rs.7,57,320/-. Aggrieved by the said demand, the petitioner herein filed a statutory revision under Rule 35-A of the Andhra Pradesh Minor Mineral Concession Rules, 1966 (herein after, 'the Rules, 1966'), on 19.10.2009. The State Government vide memo No.981/M.I(2)/2010-2, dated 30.01.2015 fixed the date of hearing of the said revision on 10.02.2015 at 10.00 am.

4. According to the petitioner, a memo was filed on behalf of the petitioner herein on the said date, requesting to direct the respondents in revision to cross verify the figures given and to file counter/para-wise remarks. According to the learned counsel for the petitioner, the Revisional Authority adjourned the matter on the said date. It is further submitted by the learned counsel that thereafter to the utter shock and surprise of the petitioner, the 1st respondent – State Government, issued the impugned memo dated 06.05.2015. In the above background, the present writ petition has been filed.

5. It is contended by the learned counsel for the petitioner that the

order under challenge is highly illegal, arbitrary, unreasonable and opposed to the very spirit and object of the provisions of Rule 35-A of the Rules. It is further submitted by the learned counsel for the petitioner that being a Quasi-Judicial Authority, the 1st respondent herein ought to have assigned reasons also for arriving at the conclusions. It is also the submission of the learned counsel for the petitioner that the failure to assign reasons would vitiate the entire proceedings issued by the 1st respondent herein. It is further argued that the 1st respondent herein neither took into consideration the contents in the grounds of revision nor the memo filed on 10.02.2015 on behalf of the petitioner herein.

6. Per contra, it is vehemently argued by the learned Government Pleader that there is no illegality nor there is any procedural infirmity in the impugned action and in the absence of the same, the present writ petition is not maintainable and the petitioner herein is not entitled for any relief from this court under Article 226 of the Constitution of India. It is also the submission of the learned Government Pleader that having convinced with the material available on record, the 1st respondent– State reduced penalty from 5 times to 2 times and the said discretionary order is not amenable for the judicial review under Article 226 of the Constitution of India.

7. The information available before this court manifestly discloses that the petitioner herein, aggrieved by the demand notice dated 11.08.2009, issued by the Assistant Director of Mines and Geology, filed a statutory revision under the provisions of Rule 35-A of the Rules, 1966. There is absolutely no dispute with regard to the fact that the counsel for the petitioner filed a memo dated 10.02.2015 before the 1st respondent. A perusal of the grounds of revision vividly discloses that the revision petitioner/petitioner herein raised a number of grounds for consideration of the 1st respondent Quasi-Judicial Authority. Reading of the impugned memo makes it manifest that the 1st

respondent herein did not advert to any one of the said grounds urged by the petitioner herein in the grounds of revision nor took into consideration the contents of the memo dated 10.02.2015 filed by the counsel for the petitioner. It is also evident from the impugned memo that except saying that the Revisional Authority has partly convinced with the contents of the revision petitioner, no other reasons are assigned by the 1st respondent herein in the impugned order.

8. It is a settled and well established proposition of law that the orders of the Quasi-Judicial Authority should necessarily be supported by valid and cogent reasons. In the instant case, the same is conspicuously absent. Therefore, this court is inclined to remand the matter to the 1st respondent herein for fresh consideration by setting aside the impugned memo issued by the 1st respondent herein.

9. For the aforesaid reasons, writ petition is allowed, setting aside the Memo No. 981/M.I(2)/2010-3, Industries and Commerce (Mines-I) Department, dated 06.05.2015, issued by the 1st respondent herein and the matter is remitted to the 1st respondent herein for fresh consideration of the revision filed by the petitioner herein, in accordance with law, after giving notice and opportunity of being heard to the petitioner herein, within a period of two months from the date of receipt of this order. Till then, no coercive action shall be taken against the petitioner.

10. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

17th August, 2015

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Note: issue C.C. in three days
B/o. SS