

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.7974 of 2015

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ORDER:

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

The petitioner herein is a contractor, who was allotted contract work relating to investigation design, execution of Nagari Water Supply Improvement Scheme by construction of storage tank, Treatment Plant, erection of pumping machinery, construction of pump houses etc., vide agreement No.13/2007-2008, dated 15-12-2007 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 10.4.2007 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 29.1.2013 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.”

Heard the learned counsel for the parties who 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.

Miscellaneous applications, if any, shall stand closed. No order as to costs.

VILAS V.AFZULPURKAR, J

Date: 25-03-2015

Prv

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