

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.4793 OF 2012

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DATED: 18.06.2015

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Between:

M/s. Ramky Infrastructure Limited
Rep. by its General Manager (Projects)- Authorized Signatory
Dr. G. Murali Krishna

.. Petitioner

And

The Government of Andhra Pradesh,
Represented by its Secretary,
Industries and Commerce Department,
and others.

.. Respondents

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WRIT PETITION No.4793 of 2012

ORDER:

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The petitioner company assails the demand notice dated 26.12.2011 whereby it was called upon by the Assistant Director of Mines and Geology, Miryalguda, to pay Rs.1,03,84,704/- towards normal seigniorage fees (Rs.17,30,784/-) and five times penalty (Rs.86,53,920/-).

The Assistant Director of Mines and Geology, Miryalguda, filed a counter-affidavit seeking to justify the levy of seigniorage fee and penalty under the impugned demand notice.

However, this Court is of the opinion that consideration of the issue on merits is not warranted as the petitioner company was put on notice prior to the issuance of the impugned demand notice but its explanation thereto was not even considered.

Perusal of the impugned demand notice dated 26.12.2011

demonstrates that the Assistant Director of Mines and Geology, Miryalguda, baldly rejected the explanation submitted by the petitioner company as not satisfactory. When exercise of quasi-judicial power by the said officer visited adverse consequences upon the petitioner company to the tune of over Rs.1.00 crore, the least that was expected was that the officer would set out the reasons for rejecting the explanation submitted by the petitioner company. Lack of reasons in the order would also violate the principles of natural justice.

The impugned notice dated 26.12.2011 of the Assistant Director of Mines and Geology, Miryalguda, is therefore set aside on this short ground and the matter is remitted to his file for consideration afresh in accordance with law. The Assistant Director of Mines and Geology, Miryalguda, shall give an opportunity of personal hearing to the authorized representative of the petitioner company, consider its explanation and thereafter pass reasoned orders in accordance with law. This exercise shall be completed within two months from the date of receipt of a copy of this order.

The writ petition is allowed to the extent indicated above.

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

JUSTICE SANJAY KUMAR

18th June, 2015
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