

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

-

WRIT PETITION No.25089 of 2012

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the Respondents and their subordinates in proposing to impose and recover one time penalty from the bills and deposits of the Petitioner in relation to the Agreements Nos.105/SE/2008-2009 & 106/SE/2008-2009, Dt.5.3.2009, where permits for sand issued by the Mines Department are not produced, as illegal, arbitrary, unjust and consequently direct the Respondents to drop all further proceedings in this regard against the Petitioner and pass such other order/s as this Hon'ble Court deems fit and proper in the circumstance of the case.”

2. When the matter is called, it is represented by the learned counsel for petitioner so also the learned Government Pleader that the issue in the present writ petition is squarely covered by the orders of this Court in W.P.No.1426 of 2012 and batch, dated 29.07.2015 and copy of the same is also placed on record.

3. Following the above said judgment and for the reasons recorded therein, the writ petition is also disposed of, in the following terms:

- a. If the petitioners filed proof to the effect that seignorage charges were deducted from their bills by the Departments concerned, under whom they have executed the contract works, no penalty shall be levied as per G.O.Ms.No.84, Industries & Commerce (MI) Department, dated 10.04.2007; and
- b. If the petitioners failed to produce such proof, the respondents are entitled to recover seignorage charges along with one time penalty as envisaged in the aforesaid G.O.

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

A.V. SESA SAI, J

28.12.2015

SS