

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

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WRIT PETITION No.31057 of 2012

ORDER:

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

“to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondents and their subordinates in proposing to recover the seignorage charges on sand with one time penalty from the bills and deposits of the Petitioners, on the premise that the permits for sand issued by the Mines Department are not produced as illegal, arbitrary and unjust and consequently direct the Respondents not to collect penalty on the seignorage charges from the Petitioners, and pass such other and further order or orders as are deemed fit and proper in the circumstances of the case.”

2. When the matter is called, it is represented by the learned counsel for petitioners 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

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