

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

-

-

W.P. NO. 40817 of 2014

-

Date of Judgment: 13.3.2015

Between:

M/s. M. Nagireddy & Company

...Petitioner

And

The State of A.P. and others

..Respondents

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

-

-

W.P. NO. 40817 of 2014

-

ORDER:

The petitioner herein is a contractor who was allotted contract work of construction of Administrative Building at Central Prison, Rajahmandry of East Godavari district under an agreement dated 15.4.2013 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 under 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 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. There shall be no order as to costs.”

Heard learned counsel for the parties who have submitted that the issue is 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

Dt. 13.3.2015
KR