

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.3390 of 2016

ORDER:

The grievance of the writ petitioner was that the mining authorities were not issuing dispatch permits to it for transporting the road metal and building stone quarried by it pursuant to the mining lease granted in its favour.

Learned Assistant Government Pleader for Mines and Geology would however contend that the petitioner suffered an adverse order in the revision filed by it against the demand notice dated 15.10.2013 and therefore, it is not entitled to any dispatch permits. Reliance in this regard is placed on the Circular Memo No.25857/MR1/89 dated 24.11.1997 issued by the Government of Andhra Pradesh through the Director of Mines and Geology, Hyderabad.

Sri K. Naveen Kumar, learned counsel for the petitioner, would point out that the revisionary order dated 20.01.2014, whereby the petitioner was called upon to pay the normal seigniorage fee while waiving the penalty amount, was subjected to challenge in W.P.No.6375 of 2014 and that the same is still pending consideration. Learned counsel would however fairly state that in the light of the Circular Memo dated 24.11.1997, his client is willing to pay the normal seigniorage fee as directed by the revisionary authority without prejudice to its challenge thereto in the pending writ petition. Learned Assistant Government Pleader concedes that if the said amount is paid, there would be no objection to issuance of the dispatch permits.

The writ petition is accordingly disposed of recording the undertaking given by the learned counsel for the petitioner to the effect that the petitioner would pay the normal seigniorage fee due under the revisionary order without prejudice to its challenge thereto in the pending writ petition. In the event such amount is paid, the mining authorities shall issue the dispatch permits in accordance with the due procedure.

Pending miscellaneous petitions, if any, shall stand closed in the

light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

09.03.2016.
PGS