

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.32115 of 2010

ORDER:

This writ petition was filed challenging the demand notice dated 14.06.2010 issued by the Assistant Director of Mines and Geology and consequential notice issued by him on 24.11.2010 to the Tahsildar asking him to take steps for recovery of mineral revenue under the provisions of A.P.Revenue Recovery Act, 1864 (for short 'the Act').

This Court, by order dated 21.12.2010 suspended the said proceedings subject to the petitioner paying to the respondents a sum of Rs.3,50,000/-, within a period of four weeks.

The demand notice covers the normal seigniorage fee of Rs.4,74,888/- with two times penalty and the total amount demanded was Rs.14,24,664/-. The demand notice was issued consequent to the failure of the petitioner to furnish the required documents showing the payment of seigniorage fee for minor minerals excavated in the construction work of 'MAPHAR CALYX' in Sy.No.186, Kondapur Village, Serilingampally Mandal by the petitioner. The petitioner failed to respond to the notices issued by the Department, as a result of which the Department demanded normal seigniorage fee with two times penalty. When the said amount is not paid, consequential proceedings was issued to charge back for taking action under the Act. The said action of the respondents cannot be found fault in the absence of furnishing information as required by the Department.

As per the Full Bench decision of this Court in

L.Venkateshwara Rao v. Singareni Collieries^[1], if the consumer gives proof of payment of seigniorage fee or indicates the name of supplier, it is sufficient for the Department and the Department should not proceed against the consumer and the Department is at liberty to take steps for recovery of the amount from the supplier.

In the circumstances, the writ petition is disposed of directing the petitioner to pay the balance amount out of the amount of Rs.4,74,888/- since the petitioner already paid amount of Rs.3,50,000/- pursuant to the orders of this Court, within four weeks from the date of receipt of copy of this order. Thereafter, the petitioner is at liberty to furnish the required information or seek statement of demand pursuant to G.O.Ms.No.29 Industries and Commerce (Mines I) Department, dated 29.04.2015.

Pending miscellaneous petitions, if any, shall stand dismissed in consequence. No costs.

A. RAMALINGESWARA RAO, J

Date: 01.03.2016
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^[1] 1999(3) ALT 199