

THE HON'BLE SRI JUSTICE S.V. BHATT

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WRIT PETITION No.25481 of 2011; WP.No.21537 of 2008; WP.No.12082 of 2007; WP.No.23627 of 2008; WP.Nos.22146, 23727, 26223, 24353 and 25928 of 2006; WP.No.9458 of 2007; WP.Nos.9367 and 12227 of 2008 and WP.No.8872 of 2009

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COMMON ORDER:

Heard Mr. S. Dwarakanath, Mr. K. Ashok Reddy, Mr. Ch. Satish Kumar, Mr. P. Girish Kumar and Mr. G. Jagadeeswar for petitioners and Government Pleader for Irrigation (TS), Government Pleader for Finance and Planning (TS), Government Pleader for Irrigation (AP) and Assistant Government Pleader for Finance and Planning (AP).

2. Petitioners in these writ petitions challenge the action of respondents in levying and recovering seigniorage charges from the bills of petitioner for the stones/earth/gravel, as the case may be, used by petitioners from out of stone/soil obtained during and in the course of execution of work under respective agreements, as illegal, arbitrary and contrary to the agreed terms of the contract between the parties.

3. Learned counsel for petitioners submit that the prayers in these writ petitions are substantially covered by the decision of this Court in **LARSEN & TOUBRO LIMITED v. EXECUTIVE ENGINEER, PUBLIC HEALTH DEPARTMENT, ANANTAPUR**^[1] and pray the Court to dispose of the instant batch of writ petitions in terms of order dated 22.02.2013. Counsel appearing for petitioners further submits that in view of the ratio of this Court in the decision, referred to above, petitioners are entitled to refund of money recovered by respondents on account of levy of unauthorized seigniorage fee in the execution of respective contracts.

4. The Assistant Government Pleader appearing for respondents submit that the prayer for refund or entitlement is a matter for consideration by the

department with reference to each one of the agreements and the department will have to examine each case independently and pass appropriate orders. Therefore, it is submitted that a positive direction may not be issued by this Court.

5. I have, with the assistance of the learned counsel appearing for the parties, perused the decision of the Court in **LARSEN & TOUBRO LIMITED's** case (1 supra). I am satisfied the writ petitions can be ordered in terms of the decision of this Court in **LARSEN & TOUBRO LIMITED's** case (1 supra).

6. On the prayer for refund of Seigniorage fee collected, I am satisfied that petitioners be given liberty to represent to respondents for refund of amounts said to have been recovered from the pending bills on account of seigniorage fee and the respondents examine each one of the representations in the background of respective agreements entered with petitioners, and take appropriate decision including refund of the amounts within eight (8) weeks from the date of receipt of a copy of this order. Petitioners are also given liberty to communicate a copy of this order along with their representations for expeditious consideration and disposal by respondents.

The writ petitions are ordered as indicated above. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

S.V. BHATT, J

July 12, 2016
DSK

[\[1\]](#) 2013 (3) ALT 602