

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.28325 of 2016

ORDER:

Petitioner has questioned the proceedings dt.23.07.2016 of the 3rd respondent holding that the petitioner is liable to pay Rs.5,00,000/- towards penalty along with mineral value of Rs.71,280/- and seigniorage fee of Rs.25,920/- on the ground that the petitioner had excavated illegally 324 MT of Dolomite.

2. Prior to issuance of said demand notice, a show cause notice has been issued on 16.07.2016 placing reliance on the report of the Regional and Enforcement Department, Ananthapuramu dt.09.05.2016 and panchanama dt.31.03.2016.

3. In the reply given by the petitioner on 23.07.2016 to the said show cause notice, petitioner requested the 3rd respondent to furnish copies of the said report and panchanama. However, without advertent to that request, the impugned order has been passed.

4. Since the impugned order has been passed without furnishing the material on the basis of which the show cause notice has been issued, there is a clear violation of principles of natural justice.

5. Therefore, the impugned demand notice is set aside; the matter is remitted back to the 3rd respondent; the 3rd respondent is directed to furnish copy of the inspection report dt.09.05.2016 and panchanama dt.31.03.2016 sought by the petitioner; petitioner shall then submit its explanation within three (03) weeks from the date of receipt of copies of the above documents from the 3rd

respondent; and thereafter the 3rd respondent shall pass a reasoned order and communicate the same to the petitioner.

6. The Writ Petition is allowed as above. There shall be no order as to costs.

7. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

23rd August, 2016

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