

THE HON'BLE SRI JUSTICE A. V. SESA SAI

WRIT PETITION No.976 of 2011

ORDER

This writ petition filed under Article 226 of the Constitution of India challenges the notices bearing No.1655/RV&EO/2009 dated 14.07.2009, 15.09.2009 and 19.01.2010 issued by the Assistant Director of Mines and Geology, Miryalaguda, Nalgonda District, the third respondent herein.

2. Heard Sri D. Venkat Reddy, learned counsel for the petitioner, learned Additional Advocate General for respondents 1 to 3 and

Sri B. Narayana Reddy, learned Assistant Solicitor General for Union of India for respondent No.4.

3. According to the petitioner, it is engaged in the business of manufacturing of sponge iron, mild steel ingots and TMT bars and the petitioner purchases iron ore, coal and dolomite as raw material for manufacture of sponge iron from different parties, who pay the royalty to the Government. The Assistant Director of Mines and Geology issued a notice bearing No.1655/RV&EO/2009 dated 14.07.2009, calling upon the petitioner to show cause as to why action should not be initiated for recovery of a sum of Rs.1,28,07,814/- on 43,026.045 M.T. of iron ore allegedly used by the petitioner and not covered under royalty payment under Section 21(5) of Mines and Minerals (Development & Regulation) Act, 1957. Thereafter, the Assistant Director, while indicating that the office of the 4th respondent did not receive any explanation to the above said show cause notice, vide demand notice bearing No.1655/RV&EO/2009, dated 15.09.2009 requested the petitioner

to pay the amount as indicated in the show cause notice. Subsequently, the 4th respondent, by way of notice bearing No.1655/RV&EO/2009, dated 19.01.2010 issued a certificate under Section-(1) 52-B of Andhra Pradesh Revenue Recovery Act, 1864, for recovery of the above said amounts by way of auctioning the movable and immovable properties of the petitioner by indicating therein the amount payable as Rs.1,33,81,100/-.

4. Calling in question the validity and legal sustainability of the above said notices issued by the Assistant Director of Mines and Geology, the present writ petition came to be filed.

5. This Court, while ordering rule nisi on 25.01.2011, granted interim suspension of the impugned notices in W.P.M.P.No.1198 of 2011. Responding to the rule nisi issued by this Court, a counter affidavit deposed by the Assistant Director of Mines and Geology, Miryalguda, has been filed on behalf of the respondents, denying the averments and the allegations in the affidavit filed in support of the writ petition and in the direction of justifying the impugned action. A reply affidavit is also filed by the petitioner to the said counter affidavit.

6. During the course of hearing, it is brought to the notice of this Court that as against the notices impugned in the present writ petition, the petitioner herein filed a statutory revision before the Government of India under Rule 54 of the Mineral Concession Rules, 1960 and the same is pending consideration.

7. Since the petitioner herein had already availed the alternative remedy of revision and the same is pending consideration before the Government of India and though a number

of contentions have been urged in the present writ petition, this Court is of the considered opinion that the ends of justice would be served if the 4th respondent-Government of India is directed to pass appropriate orders on the revision dated 28.01.2010 filed by the petitioner against the notices impugned in the present writ petition by fixing some time frame. As the interim order is subsisting till date, this Court is of the view that the same can be continued till disposal of the said revision by the 4th respondent.

8. For the aforesaid reasons, the Writ Petition is disposed of, directing the 4th respondent-Government of India to pass appropriate orders on the revision dated 28.01.2010 preferred by the petitioner against the notices impugned in the present writ petition within a period of three months from the date of receipt of a copy of this order after giving notice and opportunity of hearing to all the stakeholders. Till such exercise attains finality, the interim suspension granted by this Court on 25.01.2011 in W.P.M.P.No.1198 of 2011 shall remain operative.

There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A. V. SESA SAI, J

27th June, 2016

sj