

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

WRIPT PETITION No.28057 of 2016

ORDER :

A show cause notice dt.16-07-2016 has been issued by the

3rd respondent to the petitioner invoking sub-Rule (1) and (3) (II) of Rule 26 of the Andhra Pradesh Minor Mineral Concession Rules, 1966 for recovery of Rs.5,00,000/- towards penalty with mineral value of Rs.58,720/- and seigniorage fee of Rs.16,880/- alleging that petitioner has excavated 80 mts of Dolomite, 20 mts of Steatite and 8 mts of White shale.

2. Petitioner submitted an explanation to the said show cause notice requesting to furnish copies of proceedings dt.09-05-2016 and the original of Regional Vigilance & Enforcement Officer, Ananthapuramu as well as panchanama which form the basis for the said show cause notice. Without furnishing the same, the impugned order has been passed on 23-07-2016 rejecting petitioner's explanation and confirming the demand contained in the show cause notice.

3. Learned counsel for petitioner contends that the failure of

3rd respondent to furnish the copies of proceedings dt.09-

05-2016 as well as panchanama, which are the basis in the impugned order, is a violation of principles of natural justice and therefore the impugned be set aside.

4. Learned Government Pleader for Industries appearing for respondents does not dispute that copies of the documents sought by petitioner in his reply notice dt.20-07-2016 to the show cause notice dt.16-07-2016 were not furnished to the petitioner.

5. In this view of the matter, the Writ Petition is allowed; the impugned demand notice is set aside and the matter is remitted back to the 3rd respondent to furnish copies of documents sought by petitioner within two (02) weeks from the date of receipt of copy of this order. On receipt of such documents, the petitioner shall submit an explanation to the show cause notice within four (04) weeks from the date of receipt of the documents and then 3rd respondent shall pass a fresh order in accordance with law and communicate the same to petitioner. No costs.

6. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 22-08-2016

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