

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.9797 of 2016

ORDER:

The grievance of the petitioner is with regard to the action of the Government of Andhra Pradesh through its Industries and Commerce (Mines.I) Department in dismissing his revision under order dated 06.02.2016 mainly on the ground of delay. The said revision was filed under Rule 35-C of the Andhra Pradesh Minor Mineral Concession Rules, 1966 (for brevity, the Rules of 1966) against the demand notice dated 18.03.2014 issued by the Deputy Director of Mines and Geology, Kakinada.

Relevant to note, proviso to Rule 35-C of the Rules of 1966 empowers the revisionary authority to entertain the revision after the stipulated period of two months/ninety days specified in Rule 35-A of the Rules of 1966, if the revision petitioner satisfies the authority that he had sufficient cause for not making the application within the specified time.

In the light of the aforestated statutory provision, it is for the revisionary authority to consider on the individual facts of the case before it as to whether sufficient cause is made out for condoning the delay, if there is any. In the event no such sufficient cause is made out, the revisionary authority would have to reject the revision by refusing to condone the delay. It would not be open to the revisionary authority to dismiss the revision without exercising its judicious discretion under the above stated statutory provision one way or the other. The order dated 06.02.2016 reflects that the revisionary authority did not take heed of what was required of it under the provision and merely dismissed the revision.

The impugned order dated 06.02.2016 is accordingly set aside and the matter is remitted to the file of the revisionary authority for consideration afresh in accordance with law and for passing appropriate reasoned orders thereon. This exercise shall be

completed expeditiously and pending such exercise the impugned demand notice shall not be given effect to.

The writ petition is accordingly disposed of.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

**JUSTICE
SANJAY KUMAR**

Date:28.03.2016

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