

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.30264 of 2016

ORDER :

Heard the counsel for petitioner, and the learned Government Pleader for Industries (Andhra Pradesh), for respondents.

2. This Writ Petition is filed by petitioner assailing the order dt.06.02.2016 passed by 2nd respondent rejecting petitioner's Revision petition on the ground that it was filed with a delay of four (04) months.

3. Admittedly, the Revision petition has to be filed within ninety (90) days from the date of receipt of the demand notice dt.30.03.2015 from the 3rd respondent, demanding Rs.89,050/- towards normal seigniorage fee with five times penalty, but the petitioner had not paid the penalty portion and had paid only normal seigniorage fee on 16.04.2016. The petitioner contends that the Revision was filed on 27.10.2015 on account of the fact that he was advised by officers of the respondents that if he pays one-time seigniorage fee, the demand would be dropped. He also stated that he fell sick and was bed-ridden for two months and could not pursue the matter, and he also filed medical certificate in support of the said plea.

4. The petitioner contends that he did not have legal advice, and that he filed an application for condonation of delay on 02.06.2016

along with a medical certificate, but the 2nd respondent has not considered the same.

5. It is not in dispute that petitioner's representation was filed on 27.10.2015. The 2nd respondent, after three-and-a-half months, informed the petitioner that the Revision is filed with delay. No reason is assigned why the 2nd respondent kept the Revision pending for three-and-a-half months without returning it on the ground that it is filed beyond the time fixed by the Rules.

6. Having regard to the facts stated above, I am of the opinion that the impugned order deserves to be set aside with a direction to 2nd respondent to consider the application for condonation of delay filed by petitioner on 02.06.2016 along with Revision application filed on 27.10.2015, and to dispose them of in accordance with law by passing appropriate reasoned orders therein.

7. Till this exercise is completed the impugned demand notice dt.30.03.2015 of the 3rd respondent will not be given effect to.

8. Accordingly, the Writ Petition is allowed as above. No order as to costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 12-09-2016

Ndr/*