

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**W.P.Nos.27693 & 27725 of 2014, 17896 & 18212 of 2017****COMMON ORDER**

Since the issue involved in all these writ petitions is one and the same, they are being disposed of by this common order.

W.P.No.27693 of 2014 is filed challenging the notice dated 4.7.2014 and the consequential seizure of mill on 19.7.2014. The same petitioner filed W.P.No.18212 of 2017 challenging the letter dated 29.5.2017 issued by the 2nd respondent.

W.P.No.27725 of 2014 is filed by another mill challenging the notice dated 4.7.2014 and the same petitioner filed W.P.No.17896 of 2017 challenging the letter dated 29.5.2017 issued by the 2nd respondent. However, since the name of the rice mill is changed, W.P.No.17896 of 2017 is filed in the name of the changed rice mill viz., Talasu Fakeeru Modern Rice Mill (Previously named as M/s.Aruna Rice and Flour Mill).

The common case of the petitioners is that they entered into an agreement with the Andhra Pradesh State Civil Supplies Corporation for conversion of paddy, raw rice or boiled rice. They have been supplying the rice as per the agreement. However, there was delay in

handing over the raw rice within the stipulated period under Clause 16 of the agreement. In such a case, 1st respondent-Corporation has right to levy interest on the cost of CMR. Though the petitioners have not committed any default, the 2nd respondent issued a notice demanding huge amounts and also seized the rice mills. In those circumstances, the present writ petitions are filed challenging the notice dated 4.7.2014 and seizure of the mills.

While admitting W.P.Nos.27725 & 27693 of 2014, this Court vide order dated 24.09.2014 directed the 2nd respondent to consider the representation filed by the petitioners within one week from that day and in view of the undertaking given by the petitioners to furnish bank guarantee for the amount demanded by the respondents, the respondents were directed to release the petitioners' rice mills from seizure on condition of the petitioners furnishing bank guarantee equivalent to the amount demanded by the respondents. Accordingly, the petitioners furnished the bank guarantees and seizure of the mills was lifted. When a letter was issued on 29.5.2017 trying to invoke the bank guarantee without considering the representations of the petitioners, they have filed W.P.Nos.17896 & 18212 of 2017 as aforesaid.

The petitioners submitted representations pursuant to the demand made against them. It is their case that without considering the said representations, now bank guarantees are sought to be invoked.

Learned Government Pleader, based on instructions, submits that the petitioners are not co-operating for disposal of the representations and in view of the same, the Joint Collector could not dispose of the said representations. However, pendency of proceedings before the Joint Collector are admitted.

In view of the pendency of proceedings before the Joint Collector, these writ petitions are disposed of directing the Joint Collector, Srikakulam to consider the case of the petitioners pursuant to the representations submitted by them and pass appropriate orders in accordance with law, after hearing the petitioners, and till such time, the bank guarantees furnished by them shall not be invoked. It is needless to observe that the petitioners shall co-operate with the disposal of the proceedings before the Joint Collector. The petitioners shall approach the office of the Joint Collector within two weeks from the date of receipt of a copy of this order in order to ascertain the date for hearing and the petitioners shall invariably appear on that date for disposal of the representations as aforesaid. If any documents are

produced by the petitioners, the same shall be considered by the Joint Collector. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

18th September, 2017
rk

