

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.14413 of 2010

ORDER:

Heard Sri E. Venkata Reddy, learned counsel for the petitioner and the learned Assistant Government Pleader for the respondents.

The petitioner challenges demand notice No.5021/Q/2008 dated 04.05.2010 issued by the 2nd respondent calling upon the petitioner to pay seigniorage fee of Rs.5,94,319/- within 15 days therefrom. The petitioner challenges the demand notice primarily on the ground that the 2nd respondent, without reason, has rejected a few of the bills submitted by the petitioner showing proof of payment of seigniorage fee. It is alternatively contended that if the Court is not inclined to reexamine or reconcile these details, reasonable time may be granted to the petitioner for paying the balance amount demanded through notice impugned in the writ petition.

The learned Assistant Government Pleader submits that the payment of seigniorage fee is a matter of record with the Department and the bills given by the petitioner are verified from the original record, to the extent genuine bills are produced, they are accepted and as regards other bills are concerned, since they do not satisfy the requirements of law, the same were rejected; except making a bald allegation against the findings recorded in the show cause notice, it is not stated how the bills which are excluded are also genuine. He further contends that this Court sitting as a Court of Appeal ought not to reexamine these bills and prays for dismissal of the writ petition. He draws the attention of the Court to the interim order dated 23.06.2010 and submits that the petitioner can be given reasonable time to pay the balance amount.

The objection of the petitioner is merely noted to be rejected, for the burden is on the petitioner to show payment of seigniorage fee for the sand

utilized by the petitioner in the construction activity undertaken at the subject site. Except the assertion, hardly any other material is placed before the Court. Therefore, I am not inclined to interdict the demand impugned in the writ petition.

The writ petition fails. Since the petitioner is willing to pay the balance fifty per cent, I am satisfied, petitioner can be granted four months time from today, to pay the balance fifty per cent demanded through notice dated 04.05.2010.

With the above observations, writ petition is disposed of.

Pending miscellaneous petitions, if any, shall stand closed.

No costs.

February 1, 2017
MRR



S.V. BHATT, J