

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.8539 of 2011

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief:

“To issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus to declare the action of the respondents in proposing to recover the seigniorage charges on sand with one time penalty from the bills of the petitioners in respect of the Works executed under them on the pretext that the permits for sand issued by the Mines Department were not produced, as illegal, arbitrary and unjust and consequently direct the respondents to drop all further proceedings relating to recovery of the penalty on seigniorage charges on the works executed by the petitioners.”

When the matter is called, it is represented by the learned counsel for petitioners so also the learned Government Pleader that the issue in the present writ petition is squarely covered by the orders of this Court in W.P.No.1426 of 2012 and batch, dated 29-07-2015 and copy of the same is also placed on record.

Following the above said judgment and for the reasons recorded therein, the Writ Petition is also disposed of, in the following terms:

- (a) *If the petitioners filed proof to the effect that seignorage charges were deducted from their bills by the Departments concerned, under whom they have executed the contract works, no penalty shall be levied as per G.O.Ms.No.84, Industries & Commerce (MI) Department, dated 10.04.2007; and*
- (b) *If the petitioners failed to produce such proof, the respondents are entitled to recover seignorage charges along with one time penalty as envisaged in the aforesaid G.O.*

Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. There shall be no order as to costs.

Office to annex copy of the order in W.P.No.1426 of 2012 and batch, dated 29-07-2015 with this order.

January 02, 2017

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A.V. SESA SAI, J

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