

**THE HON'BLE SRI JUSTICE M.S.K.JAISWAL**

WRIT PETITION NOs.20806 AND 26699 OF 2006

**COMMON ORDER:**

These two Writ Petitions are being disposed of by this common order since they are in respect of a common issue.

The prayer sought for in WP.No.20806 of 2006 is as under.

“...to issue a writ of mandamus or any other appropriate writ declaring proceedings HPGAS/VRS/MR dated 13.09.2006 issued by respondent No.2, as illegal, arbitrary, unconstitutional and against the principles of natural justice...”.

The prayer sought for in WP.No.26699 of 2006 is as under.

“...to issue a writ of mandamus or any other appropriate writ declaring proceedings No.HP GAS/PUR/REFILL AUDIT dated 18.12.2006 passed by respondent No.2, as illegal, arbitrary, unconstitutional and against the principles of natural justice and consequently, direct the respondents to restore the licence of the petitioner...”.

It is not in dispute that the petitioner was a dealer of the first respondent and alleging certain violations during the inspection, penal proceedings were initiated against him imposing penalty of Rs.21,49,913/-, as mentioned in the impugned show cause notice. It is also noticed on record that the petitioner was directed to submit an explanation, which he, however, could not do. Similarly, notices were issued to the writ petitioner on three occasions but no explanation was offered. The writ petitioner, however, sought time to offer explanation to the show cause notice stating that since all the records, which are required to answer the show cause notice, were locked and the keys were with the department officials, he was not in a position to offer his explanation. It is also noticed on record that in spite of time being granted repeatedly, the required explanation was not submitted.

Consequently, the impugned order came to be passed confirming imposition of penalty of Rs.21,49,913/- on the writ petitioner. It is also noticed on record that when the alleged violations took place as long back as on the year 2007, the writ petitioner has been continuing as a dealer without giving any scope for further complaints against him in the matter.

It is not in dispute that the writ petitioner was given the dealership of HP Gas under the quota of Physically Challenged i.e., he is deaf and dumb. He was doing business in supply of LPG Gas under the provisions of the Andhra Pradesh Petroleum Products (Licensing and Regulation of Supplies) Order, 1980, with the assistance of his manager by name Mr. V.Sandeep Reddy.

After hearing elaborately and upon perusing the material on record and taking into consideration the position in which the writ petitioner was placed at the time of seizure of the entire records and sealing of the business premises which incapacitated him in furnishing the effective reply or response to the show cause notice, I feel that ends of justice would be met if an additional opportunity is given to the writ petitioner to give explanation to the show cause notice which has been issued to him by the Corporation within a reasonable time and the authorities concerned shall consider the same on merits and dispose of.

With this observation, both the Writ Petitions are disposed of directing the writ petitioner to offer his explanation to the show cause notice issued by the Corporation within a period of one month from the date of receipt of a copy of this order and the authorities shall dispose of the said representation on merits and pass final orders in the matter within a period of two months there

from. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

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**(M.S.K.JAISWAL, J)**

8<sup>th</sup> August 2017  
RRB

