

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

WRIT PETITION No.2155 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 declaring the action of the respondents and their subordinates in withholding and deducting 0.25% from the gross bill amounts payable to the petitioners works contractors towards National Academy of Construction and Chief Minister's Relief Fund as illegal, arbitrary and unjust and consequently direct the respondents not to recover any amounts from the bills payable to the petitioner for his works contracts works National Academy of Construction and Chief Minister's Relief Fund, and pass such other and further order or orders as are deemed fit and proper in the circumstances of the case.”

2. When the matter is called, it is represented by the learned counsel for the petitioner 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 a copy of the same is also placed on record.

3. Following the above said judgment and for the reasons recorded therein, this writ petition is also disposed of, in the following terms:

- (a) If the petitioner 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 petitioner 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.”

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

03.01.2017
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A.V.SESHA SAI, J