

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.43625 OF 2017

ORDER:

In this Writ Petition, challenge is to the revisional order, dated 13.10.2017, passed by the Principal Secretary to Government, Industries and Commerce Department, whereby, the said revisional authority confirmed the Demand Notice bearing No.1115/MDR/2011, dated 03.11.2011, issued by the Assistant Director of Mines and Geology, Kothagudem.

2. Learned counsel for the petitioner would submit that in response to the show-cause notice, dated 08.08.2011, a reply, dated 12.09.2011, was submitted by the petitioner and that the petitioner has also submitted adequate proof in support of his contentions by means of documentary evidence and that without properly appreciating the explanation and the documentary evidence, the Demand Notice was issued and that thereafter, without any reason, much less valid and sustainable reason, the revisional order was passed and therefore, the present Writ Petition is filed.

3. At the hearing, learned counsel for the petitioner would submit that the impugned revisional order may be set aside with a direction to the revisional authority to decide the matter afresh in strict accordance with the procedure established by law after properly considering the evidence produced by the petitioner and, after giving an opportunity to the petitioner to produce further evidence, if any, before the said authority.

4. Learned Government Pleader for Mines and Geology endorses the said submission.

5. Recording the submissions, the impugned revisional order is set aside directing the revisional authority to decide the matter afresh in strict accordance with the procedure established by law, however, after giving an opportunity of hearing to the petitioner and also to produce any further evidence, if any, in support of his case. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order. Till such time, the Demand Notice, dated 03.11.2011, shall remain in abeyance.

6. Accordingly, the Writ Petition is allowed.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

There shall be no order as to costs.

M.SEETHARAMA MURTI, J

December 26, 2017
MD