

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.25888 OF 2018

ORDER:

Heard learned Counsel for the petitioner and the learned Government Pleader for the respondents.

A demand notice bearing No.4370/Q/2013, dated 20.06.2018, issued by the Office of the Assistant Director of Mines and Geology/R.2 herein, demanding a sum of Rs.3,42,54,575/- towards normal seigniorage fee and penalty is under challenge in the present Writ Petition.

The principal contention advanced in the present Writ Petition by the learned Counsel for the petitioner is that the impugned demand notice came to be issued without serving any show cause notice and the said action is violative of the principles of natural justice. It is further submitted by the learned Counsel that had the petitioner been permitted to submit her explanation, the impugned Order would not have emanated.

On the other hand, copy of the Dispatch Register is placed on record by the learned Government Pleader to show that the show cause notice was sent to the petitioner on 13.04.2018.

There is no evidence on record to show that the service of the show cause notice was effected on the petitioner. On the sole ground alone, this Writ Petition is liable to be allowed.

Accordingly, the Writ Petition is allowed, setting aside the demand notice bearing No.4370/Q/2013, dated 20.06.2018. However, it is open for the respondents to take action, in accordance with law, after giving show cause notice and after affording reasonable opportunity to the petitioner.

Miscellaneous Petitions pending consideration, if any, in this
Writ Petition shall stand closed. No order as to costs.

JUSTICE A.V.SESHA SAI

Date :23.08.2018
Smr

