

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 25539 of 2019

Date : 20.11.2019

Between:

M/s Nidhi Exims Representred by its Proprietor Smt Chukkala
Jayasri W/o Sri Chukkala Ashok Aged 46 Years Occ Business R/o
7-1-613 New Mankamma Thota Karimnager Mandal Karimnager
505 001

Petitioner

And

The State of Telangana and 5 others
Rep by its Principal Secretary Department of Industries and
Commerce Secretariat Building Hyderabad TS

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioner, learned Government Pleader for Mines & Geology and learned Government Pleader for General Administration and with their consent, the writ petition is taken up for disposal at the admission stage.

2. This writ petition is filed seeking following relief:

“.....to issue an appropriate Writ order or direction more particularly one in the nature of WRIT OF MANDAMUS Declaring the demand Notice No 1503/VigilanceKNR/20131437 dated 05/09/2019 issued by the 3rd Respondent as illegal arbitrary and violative of Article 14 and 19 1 g of the Constitution of India and also declare the action of the respondents in insisting the petitioner to pay seigniorage fee with penalty as illegal arbitrary and against principles of natural justice and violative of Article 14 and 19 1 g of the Constitution of India and consequently set aside the demand Notice No 1503/VigilanceKNR/20131437 dated 05/09/2019 issued by the 3 rd Respondent and to pass.....”

3. Learned counsel for petitioner submits that the alleged excess unaccounted transportation of granite pertains to period 2008 to 2011 and basis of the allegation is appraisal report stated to have been issued by Vigilance and Enforcement Department on 29.5.2013 and after more than six years, process was set in motion and on that ground alone the impugned proceedings are liable to be declared as not maintainable. He would further submit that the demand notice is not final as remedy of revision is available to petitioner and petitioner has in fact availed the said remedy and the same is pending.

4. Petitioner firm herein filed W.P. No. 24836 of 2019 contending that on the ground that demand notice dated 5.9.2019 was issued, dispatch permits are not issued to the petitioner firm and huge quantity of granite blocks are lying in the petitioner premises, causing lot of hardship to petitioner. Having regard to the fact that petitioner

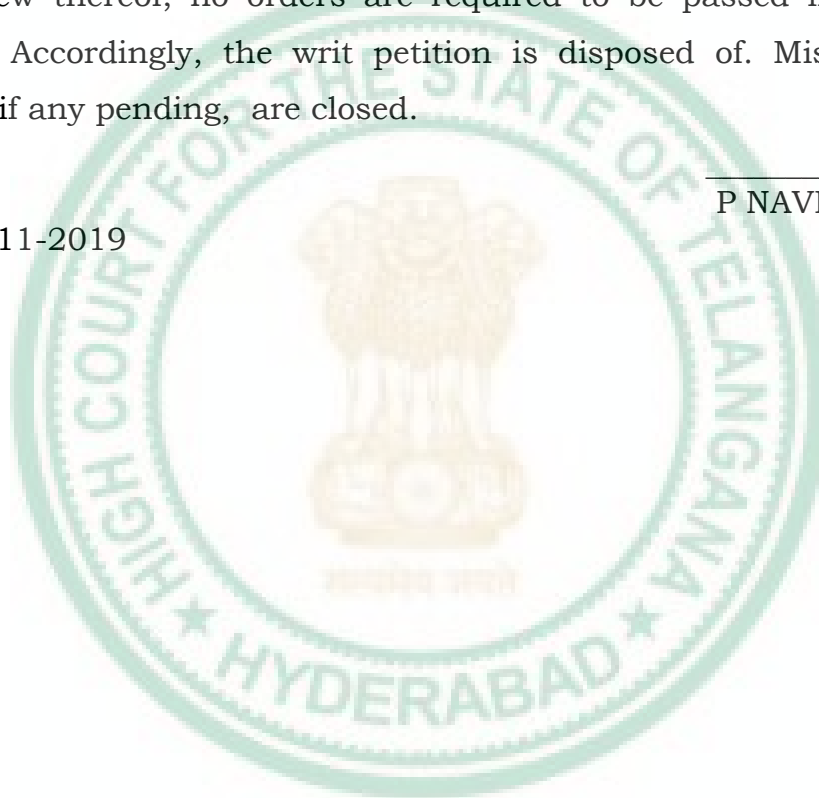
availed the remedy of revision and revision is pending, W.P. No. 24836 of 2019 is disposed of on 19.11.2019 issuing following directions:

“6. Having regard to the above submission, writ petition is disposed of directing the revisional authority to consider the revision petition and finalise the revision as early as possible, preferably within a period of eight weeks from the date of receipt of copy of this order by assigning reasons in support of its decision. Pending consideration of the revision, 4th respondent-Assistant Director of Mines and Geology is directed to grant fresh permits subject to (i) petitioner depositing 50 % of the normal seigniorage charges quantified in the demand notice and (ii) Petitioner paying normal seigniorage charges for the permits that are granted hereinafter. Miscellaneous petitions, if any pending, are closed.”

4. The relief sought in this writ petition is also covered in the order passed by this Court in W.P. No. 24836 of 2019 dated 19.11.2019 and in view thereof, no orders are required to be passed in this writ petition. Accordingly, the writ petition is disposed of. Miscellaneous petitions, if any pending, are closed.

DATE:20-11-2019
Kkm/TVK

P NAVEEN RAO,J



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