

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NOs.21294, 21292 & 30071 OF 2010

Date: 29.08.2019

W.P.No.21294 of 2010:

Between:

M/s.NEC-NCC-MAYTAS JV,
Having JV Office at #VI-1,
Dhruvatara-6-3-652,
Somajiguda, Hyderabad 500 082,
Rep., by its Authorized representative,
M.Sreehari Rao

.....Petitioner

And

The Government of Andhra Pradesh,
Rep., by its Principal Secretary,
Finance & Planning (Works and Projects),
Department, Secretariat Building,
Hyderabad & others.

.....Respondents

The Court made the following:

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO
WRIT PETITION NOs. 21294, 21292 & 30071 OF 2010

COMMON ORDER:

Heard learned counsel for petitioners, learned Government Pleader for Finance & Planning, learned Government Pleader for Industries & Commerce and learned Government Pleader for Irrigation.

2. In these three writ petitions, petitioners sought for identical prayer. In substance the prayer sought by the petitioners is that they are seeking declaration against directions issued by higher authorities to subordinates to recover seigniorage charges on sand with one time penalty from the bills and deposits of the petitioners where permits for sand issued by the Mines Department are not produced as illegal, arbitrary and unjust and sought for consequential direction to respondents to drop all further proceedings.

3. When the matters are taken up for consideration, learned counsel for the petitioners placed before this Court the decision rendered by this Court in W.P.No.17998 of 2012 on 15.11.2012 and submits that the subject matter of these writ petitions is covered by the said decision and in terms thereof these writ petitions have to be allowed.

4. Learned Government Pleader does not dispute the fact that the judgment rendered by this Court in the above writ petition is on the same issue as agitated in these writ petitions.

5. In the said judgment learned Judge observed that penalty cannot be levied on the presumption that the sand was quarried without the permission of Assistant Director of Mines and Geology. This Court directed that in case seiniorage fee on the sand utilized by the petitioner in the works executed by it, is deducted from the bills and proof thereof is filed before the Assistant Director Mines and Geology, penalty should not be levied. W.A.No.833 of 2012 preferred against the said decision was dismissed by the Division Bench by order dated 05.07.2012.

6. In view thereof and following the said decision, petitioners are directed to file proof of payment of Seiniorage fee, before the Assistant Director, Mines and Geology. If the seiniorage fee on the sand utilized by the petitioners is in the works executed by them is deducted from the bills and if such proof is filed, no penalty shall be levied. Petitioners shall produce the bills within three (3) weeks from the date of receipt of copy of this order.

7. With the above observations, these Writ Petitions are disposed of. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO, J

29th August, 2019
Rds