

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION Nos.884 & 963 OF 2020

DATED : 10.01.2020

W.P.No.884 of 2020 :

Between :

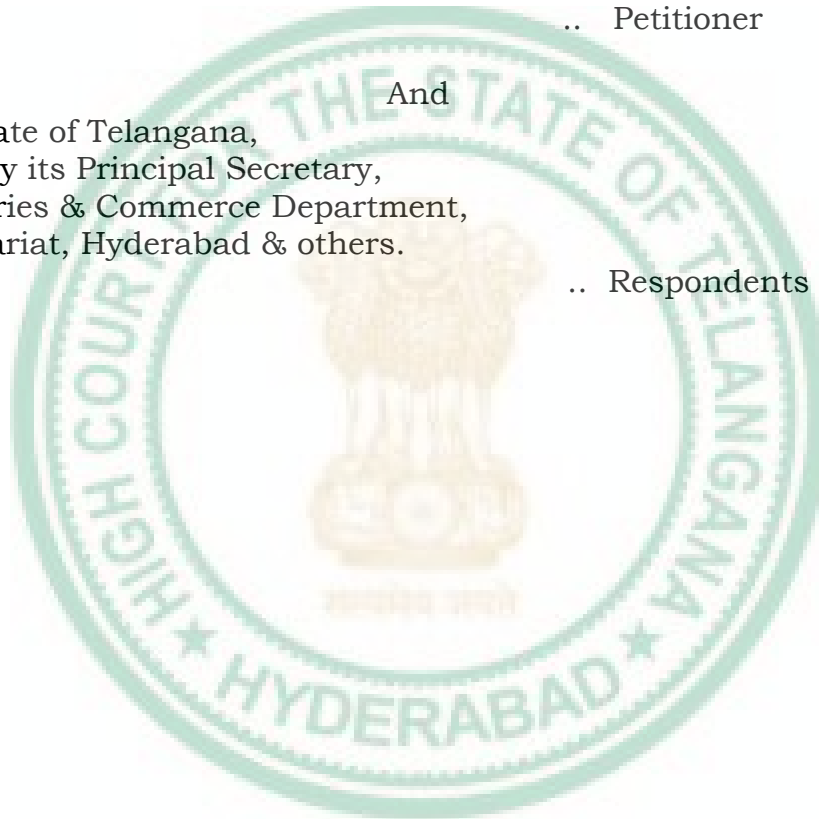
M/s.Srinivasa Granites
Rep., by its Proprietor B.Vamshi Krishna,
S/o.Sri Laxmaiah, Aged 34 yrs, Occu : Business,
R/o.H.No.7-2-108/A, Mankammathota,
Karimnagar Town & District,
Telangana State

.. Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Industries & Commerce Department,
Secretariat, Hyderabad & others.

.. Respondents



This court made the following :

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION Nos.884 & 963 OF 2020

COMMON ORDER :

The petitioners in these writ petitions claim that they are the Licence holders of quarrying Granite stone in Karimnagar District. Challenging the orders issued by the respondent authorities in levying seigniorage charges alleging that the excess quantity of Granite stones were quarried from the Mines concerned and have not paid the seigniorage fee to the extent of the granite quarried and dispatched from the mines concerned, the petitioners in these writ petitions earlier filed W.P.Nos.25148 and 25118 of 2019, respectively. As the petitioners have the remedy of revision against the said orders, they have also filed revisions. The said writ petitions were disposed of directing the revisional authority to consider the revision petitions and finalise the revisions as early as possible, preferably within a period of eight weeks from the date of receipt of a copy of the order by assigning reasons in support of its decision. Pending consideration of the revisions, a direction was issued to the Assistant Director of Mines and Geology/Deputy Director of Mines and Geology to grant fresh permits subject to the petitioners depositing 50% of the normal seigniorage charges quantified in the demand notices impugned in those writ petitions and the petitioners paying normal seigniorage charges for the permits that may be granted thereafter.

2. In pursuance of the said directions issued by this Court, in the revisions filed by the petitioners orders impugned are passed by the revisional authority, wherein the revisional authority had

accepted the contention of the petitioners to the limited extent of modifying the penalty imposed by reducing the penalty to one time of the normal seigniorage fee. However, these orders are challenged apparently on the ground that the objections filed by the petitioners were not considered and there is no discussion about the objections filed by the petitioners, but mechanically a decision is taken rejecting the objections of the petitioners and as an eye wash, modified the penalty.

3. Having regard to the nature of the orders passed and the parameters required by the revisional authority to take a decision on the revisions filed by the petitioners, the learned Government Pleader, representing the learned Advocate General, submits that the orders impugned may be set aside and the matters may be remanded to the revisional authority.

4. At this stage, learned counsel for the petitioners sought to contend that the petitioners have no confidence in the respondent authority in considering the objections filed by the petitioners on remanding of the matter and in the meantime, as per the orders issued by this Court in the earlier round of litigation to grant permits is not complied even though the amount directed by this Court was already deposited by the petitioners.

5. Having regard to the submission made by the learned Government Pleader, the impugned orders are set aside and the matters are remanded to the revisional authority with a direction to consider the objections filed by the petitioners by assigning reasons in support of its decision and pass orders accordingly. The revisional authority shall pass orders afresh after affording an opportunity with advance notice to the petitioners within a period

of four weeks from the date of receipt of a copy of this order. It is needless to observe that in the orders passed by this Court in the earlier round of litigation, the revisional authority was directed to assign reasons in support of its decision. A bare reading of the orders impugned would show that while taking a decision, no reasons are assigned by the revisional authority by considering the objections filed by the petitioners, but reiterated the view taken by the Departmental authorities. Such kind of orders are not valid and do not meet the parameters of the quasi judicial authority's decision, moreso, when a specific direction was issued by this Court. It is hoped and expected that atleast now the revisional authority would consider the objections filed by the petitioners objectively after affording opportunity and take appropriate decision as warranted by law by assigning reasons in support of its decision.

6. Accordingly, the writ petitions are allowed. It is needless to observe that if the orders issued by this Court in the earlier round of litigation are not complied with reference to the granting of permits on depositing of 50% of the normal seigniorage charges quantified and on payment of normal seigniorage charges for the permits granted thereafter, it is open for the petitioners to workout the remedy as available under law. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

10th January, 2020
Rds