

**HIGH COURT OF JUDICATURE AT HYDERABAD AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
FRIDAY, THE TWENTY EIGHTH DAY OF OCTOBER TWO TWENTY TWO**

:PRESENT:

THE HONOURABLE SRI JUSTICE K. SARATH

IA No. 1 OF 2022

IN

WP NO: 39168 OF 2022

Between:

M/s. India Cements Limited, (Formerly known as Visaka Cement Industry Ltd)
"Dhun Building", 827, Anna Salai, Chennai, Tamilnadu -600002. Represented
by its Authorized Signatory, Mr. G Pramod Kumar, S/o Late G Vijay Kumar,
Aged 42 years, Occ Deputy Manager (Legal), R/o Hyderabad.
Cement Manufacturing Plant at Malkapur Village, Tandur Mandal,
Rangareddy District, Telangana- 500157.

...Petitioner

(Petitioner in WP 39168 OF 2022
on the file of High Court)

AND

1. State of Telangana, Represented by its Principal Secretary, Mines and
Geology Department, Secretariat Hyderabad, Telangana
2. Director, Department of Mines and Geology My Home Sarover Plaza, Flat No
203 and 204, 2nd Floor, House No 5-922, Shapurwadi, Adarshnagar,
Secretariat Road, Hyderabad, Telangana-500063.
3. Assistant Director, Department of Mines and Geology Near Vinayaka Temple,
Pathakunta, Saipur, Tandur, Vikarabad District, Telangana-501141.

...Respondents

(Respondents in-do-)

Counsel for the Petitioner

:SRI CHALLA GUNARANJAN

Counsel for the Respondents 1 & 3

:GP FOR MINES AND GEOLOGY

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings in pursuant to the Impugned letter no. 2796/R2-2/2015 dated 28.09.2022 and impugned demand notice no. 290/G/2008 dated 24.08.2022 issued by Respondent No.2 & Respondent No.3 respectively, pending disposal of WP No. 39168 of 2022, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

This petition is filed to stay all the further proceedings in pursuant to the impugned letter No.2796/R2-2.2015 dated 28.09.2022 and impugned demand notice no.290/G/2008 dated 24.08.2022 issued by respondent Nos.2 and 3.

Learned counsel for the petitioner submits that the Revisional Authority passed orders on 18.02.2017 by remanding the matter to the State Government with a direction to decide the matter afresh after giving an opportunity of hearing to the petitioner and may take appropriate action as deem fit. Thereafter, the respondent No.1 issued notice to the petitioner to appear in person for hearing on 17.03.2018. The respondent No.1 directed the petitioner to submit the documents before the respondent No.2 on 19.05.2018. Accordingly, the petitioner submitted the same on 20.07.2018. Thereafter, no proceedings or orders communicated to the petitioner as on today. Without any adjudication of the matter the respondent No.1 issued internal correspondence in impugned Memo.556/M.11(1)/2022-1 permitted for realisation of penalty amount of Rs.1,09,45,846/- from the petitioner. In consequence to the said Memo, the respondent No.3 issued demand notice to the petitioner on 24.08.2022 and the respondent No.2 issued demand notice on 28.09.2022. The same are contrary to the orders of Revisional Authority and same is liable to set aside.

Prima facie, the impugned orders passed by the respondents without adjudication of the matter as per orders of the Revisional Authority on 18.02.2017. The respondent No.1 was not finalised the matter on 17.03.2018 and adjourned the matter with a direction to the petitioner to produce documents before the appropriate authority. After submission of the documents by the petitioner without taking any decision, passed present impugned orders.

Therefore, there shall be interim stay of all further proceedings, as prayed for.

**SD/- P. PADMANABHA REDDY
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Mines and Geology Department, State of Telangana Secretariat Hyderabad, Telangana
2. The Director, Department of Mines and Geology My Home Sarover Plaza, Flat No 203 and 204, 2nd Floor, House No 5-922, Shapurwadi, Adarshnagar, Secretariat Road, Hyderabad, Telangana-500063.
3. The Assistant Director, Department of Mines and Geology Near Vinayaka Temple, Pathakunta, Saipur, Tandur, Vikarabad District, Telangana-501141.(1 to 3 By RPAD)

4. One CC to SRI. CHALLA GUNARANJAN Advocate [OPUC]
5. Two CCs to GP FOR MINES AND GEOLOGY, High Court at Hyderabad.
[OUT]
6. One spare copy

NOTE:

In the order in I.A.No.1 of 2022 In W.P.No.39168 of 2022 the Penalty Amount is mentioned incorrectly and now it is corrected as "Rs.1,09,45,846/-" in place of "Rs.1,96,45,846/-" vide Court Order dated: 23.12.2022 in I.A.No.3 of 2022.

Substitute this amended order in place of the order which was earlier dispatched on 10.11.2022.

**SD/- P. PADMANABHA REDDY
ASSISTANT REGISTRAR**

HIGH COURT

SKJ

**DATED:28/10/2022
23/12/2022**

AMENDED ORDER

**IA.NO.1 OF 2022
IN
WP.No.39168 of 2022**

STAY

