

(2013) 10 MP CK 0352
In the Madhya Pradesh High Court
Case No : Writ Petition 7606 of 2013

M/s. Sawariya Constructions

APPELLANT

Vs

State of M.P. and Another

RESPONDENT

Date of Decision : 25-10-2013

Acts Referred:

Citation : (2013) 10 MP CK 0352

Hon'ble Judges : S.K. Gangele, J;G.D. Saxena, J

Bench : Division Bench

Advocate : Kaushlendra Singh, for the Appellant; Raghvendra Dixit, Government Advocate, for the Respondent

Judgement

1. Similar matter has been disposed of by the Principal Seat at Jabalpur vide order dated 07-02-2013 passed in Writ Petition No. 21946/2012 (M/s. Shastri Construction Company v. The State of M.P. and Others), hence, this writ petition is disposed of with the following directions, as issued by the Principal Seat in the above-mentioned order:--

(1) The petitioner shall either furnish the bills of purchase of minerals from authorized dealer or an affidavit disclosing the source from where petitioner purchased minerals, which were used in the construction work.

(2) The respondents authorities if are satisfied with the bills produced by the petitioner may process the bills, but in a case of any doubt, respondents authorities may insist the petitioner to file an affidavit in support of its contention in respect of purchase of minerals from the open market by the bills.

(3) In case the petitioner is unable to produce the bills for the purchase of the minerals or the royalty receipt in this regard, respondents-authorities shall insist the petitioner to file an affidavit pointing out specifically the manner in which minerals were purchased, disclosing particulars of the person from whom the minerals were purchased. On filing of the affidavit, the authorities shall be within their right to verify the aforesaid facts. They can also verify the facts from the

record of the Mining Department of the concerned district.

(4) On completion of the aforesaid process, the respondents shall clear the bills of the petitioner submitted in connection with the execution of the works contract and the amount of royalty, if any recovered from the bills, shall be released in favour of the petitioner.

(5) In case, the authorities are not satisfied with the contention of petitioner or on verification, facts are not found correct then they shall pass a reasoned order in rejecting the contention of petitioner.

(6) If the petitioner fails to produce the bills/affidavit as indicated hereinabove, the petitioner may represent his case to the concerned authority showing his inability to produce the bills or affidavit and it shall be for the State Government or authority to consider the representation and pass a suitable order in that regard within two months from the date of receipt of the representation.

No order as to costs.

Certified copy as per rules.