

**(2013) 06 AP CK 0046**

**In the Andhra Pradesh High Court**

**Case No : Writ Petition No. 14282 of 2013**

M/s. Sri Uma Maheswara Rao and Par Boiled Rice Mill

APPELLANT

Vs

District Supply Officer

RESPONDENT

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**Date of Decision : 07-06-2013**

**Acts Referred:**

**Citation : (2013) 5 ALD 172**

**Hon'ble Judges : C.V. Nagarjuna Reddy, J**

**Bench : Single Bench**

**Advocate : G. Narendra Chetty, for the Appellant;**

**Final Decision : Disposed Off**

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## **Judgement**

C.V. Nagarjuna Reddy, J.—This writ petition is filed questioning proceedings in Rc. No. CS5/157/2013, dated 25.04.2013, of the respondent whereby he has suspended the licence of the petitioner's rice mill, pending enquiry. At the hearing, Sri G. Narendra Chetty, learned counsel for the petitioner, placed reliance on Clause 7 of the Andhra Pradesh Scheduled Commodities Dealers (Licensing, Storage and Regulation) Order, 2008 (for short, the Control Order") and submitted that issuance of prior notice is a condition precedent for suspension or cancellation of a licence.

2. In my opinion, the penalty of suspension referred to in Clause 7 of the Control Order shall be construed as the penalty imposed as a measure of substantive punishment. Even though the Control Order does not contain a specific power or provision for suspension pending enquiry as held in a Full Bench Judgment of this Court in Tappers Co-operative Society, Maddur vs. Superintendent of Excise, Mahabubnagar 1984 (2)(HC) APLJ 2, for exercising the power of suspension pending enquiry which is concomitant or incidental to the power to impose substantive punishment, no prior notice need be given. This contention of the learned counsel for the petitioner is therefore rejected. Hence, I am not inclined to interfere with the impugned order of suspension. However, the respondent is

directed to complete the enquiry and pass a final order after giving notice to the parties, within a period of one month from the date of receipt of this order.

3. The writ petition is accordingly disposed of. As a sequel to disposal of the writ petition, W.P.M.P. No. 17408 of 2013 is dismissed as infructuous.