

(2013) 09 AP CK 0003
In the Andhra Pradesh High Court
Case No : WP No. 17086 of 2013

Parchur Cold Storage Pvt. Ltd.	Vs	APPELLANT
Government of Andhra Pradesh		RESPONDENT

Date of Decision : 23-09-2013

Acts Referred:

Citation : (2014) 3 ALD 587

Judgement

C.V. Nagarjuna Reddy, J.—Feeling aggrieved by Memo No. 6581/M.II/2/2011-4, dated 8.2.2013, of respondent No. 1, whereby it has disposed of the petitioner's revision application filed under Rule 35A of the Andhra Pradesh Minor Mineral Concession Rules, 1966, this writ petition is filed. The petitioner has questioned the impugned memo mainly on two grounds, namely (1) that the hearing notice was not received by it, and (2) that the order passed in its revision application is bereft of any reasons.

2. As regards the first plea of the petitioner, the learned Government Pleader for Mines and Geology has produced before the Court the record, which shows that a telegram was issued to the petitioner informing the date of hearing of revision as 26.6.2012, which is despatched by the office of respondent No. 1 on 21.6.2012.

3. The learned Assistant Government Pleader, however, is unable to show proof of service of such telegram on the petitioner. Hence, in the absence of proof of service of the purported telegram, it cannot be said that the petitioner was given proper hearing opportunity. Moreover, the purported hearing having been fixed on 26.6.2012, the impugned order was passed nearly six months later. This Court is unable to comprehend as to the method of service of notice. If the case was urgent as it would not brook the delay in service of notice through normal method of registered post, there is no rationale in keeping the case pending for nearly six months after the hearing was closed on 26.6.2012. If respondent No. 1 could wait for nearly six months for passing the order after hearing, one is at a loss to know as to why it has sent notice through telegram to the petitioner. As opportunity of hearing is offered to the aggrieved party for redressal of his/her

grievances, the same cannot be reduced to a formality as was done by respondent No. 1.

4. Even on merits, I am fully thoroughly dissatisfied with the manner in which respondent No. 1 has passed the impugned order. When the petitioner has challenged its liability for payment of any seigniorage charges leave alone the penalty, respondent No. 1 has modified the order of the primary authority, by confirming the normal seigniorage fee and reducing the penalty to one time from five times, without any reasons whatsoever. Except referring to two cases pending in the Court and the willingness of the petitioner to withdraw the same, no reason whatsoever has been assigned by respondent No. 1 to fasten the liability of normal seigniorage fee with one time penalty on the petitioner.

5. Learned Counsel for the petitioner submitted that no case relating to it on the subject-matter is pending any where and that his client has not given any undertaking to withdraw the same.

6. As the impugned order is devoid of any reasons, furnishing of which is a sine qua non for a valid order, the same is set aside. The matter is remitted back to respondent No. 1 for fresh disposal after service of proper notice on the petitioner and passing a fresh order by giving reasons in support of the same.

7. The writ petition is, accordingly, allowed. As a sequel to disposed of the writ petition, WPMP No. 20737 of 2013 is disposed of as infructuous.