

ITEM NO.29

Court 7 (Video Conferencing)

SECTION XII-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).6994-6995/2021

(Arising out of impugned final judgment and order dated 06-05-2021 in WA No.274/2021 06-05-2021 in WA No.275/2021 passed by the High Court Of Andhra Pradesh At Amravati)

M/S MYTHRI INFRA (PARTNERSHIP FIRM) & ORS.

Petitioner(s)

VERSUS

THE STATE OF ANDHRA PRADESH & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.61989/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.61990/2021-EXEMPTION FROM FILING O.T. and IA No.61988/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 61989/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 61990/2021 - EXEMPTION FROM FILING O.T., IA No. 61988/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 63246/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 01-06-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
 HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Mr. Devadatt Kamat, Sr. Adv.
 Mr. Pai Amit, AOR
 Mr. N. Ashwani Kumar, Adv.
 Mr. Javedur Rahman, Adv.
 Ms. Komal Mundhra, Adv.
 Mr. Saurabh Agrawal, Adv.

For Respondent(s) Mr. Mahfooz A. Nazki, AOR
 Mr. Polanki Gowtham, Adv
 Mr. Shaik Mohamad Haneef, Adv
 Mr. T.Vijaya Bhaskar Reddy, Adv
 Mr. Amitabh Sinha, Adv
 Mr. K.V.Girish Chowdary, Adv
 Mr. Shrey Sharma, Adv

Mr. Sridhar Potaraju, Adv.
Mr. Gaichangpou Gangmei, AOR
Ms. Shiwani Tushir, Adv
Ms. Aayush, Adv

UPON hearing the counsel the Court made the following
O R D E R

Demand notices were issued directing the petitioners to pay seignorage fee with penalty for excess excavation and encroachment. The petitioner filed a revision under Section 35-A of the Andhra Pradesh Minor Mineral Concession Rules, 1966.

In the meanwhile, Respondent No.10 filed a writ petition before the High Court for a direction that the authority should collect seignorage fee with penalty from the petitioners. By an interim order dated 23.04.2021, the learned single Judge of the Andhra Pradesh High Court directed respondent Nos.1,2,4 and 5 therein to collect the seignorage fee with penalty. Aggrieved by the said interim order, the petitioners filed an appeal. The petitioners raised the issue of maintainability of writ petition filed by Respondent No.10 in the appeal. A Division Bench of the High Court by an order dated 06.05.2021, permitted the petitioners to raise the issue of maintainability in the writ petition. In such view of the matter, appeal was dismissed.

After hearing Mr. Devadatt Kamat, learned senior counsel appearing for the petitioners, Mr. Mahfooz A. Nazki,

learned counsel appearing for the State and Mr. Sridhar Potaraju, learned counsel appearing for Respondent No.10, we request the High Court to dispose of the writ petition at the earliest. The hearing of the revision petition filed by the petitioners against the order of demand shall proceed notwithstanding the pendency of the writ petition. The order dated 23.04.2021 passed by the learned single Judge shall remain stayed during the pendency of the writ petition.

The special leave petitions stand disposed of. Pending application(s), if any, shall also stand disposed of.

(B. PARVATHI)
COURT MASTER

(ANAND PRAKASH)
COURT MASTER