

THE HON'BLE SRI JUSTICE B. KRISHNA MOHAN

WRIT PETITION No. 33531 of 2022

ORDER:

Heard the counsel for the petitioner and the learned Government Pleader for the respondents.

2. This Writ Petition is filed questioning the demand notice issued by the 4th respondent dated 24.09.2022. The counsel for the petitioner submits that the 4th respondent initially issued a show cause notice dated 27.08.2022 mentioning the amount payable by the petitioner and giving of 15 days time to submit its explanation. In pursuance of the same, the petitioner vide letter dated 13.09.2022, addressed to the 4th respondent sought for inspection report, but the same is not supplied to the petitioner. Consequently, it could not give explanation to the show cause notice, dated 27.08.2022. In the meanwhile, without affording any opportunity the impugned demand notice dated 24.09.2022 is issued.

3. On the other hand, the learned Government Pleader for Mines and Geology submits that as required by the petitioner in its letter dated 13.09.2022 the respondent

authorities would supply the inspection report and the petitioner shall make its explanation for the show cause notice dated 27.08.2022 so as to follow the procedure by the authorities concerned in accordance with law.

4. In view of the above said facts and circumstances the respondents are directed to provide inspection report as claimed in the letter of the petitioner, dated 13.09.2022, to the petitioner within a period of three (03) weeks from the date of the receipt of this order. Thereafter, within a period of three (03) weeks, the petitioner shall submit its explanation to the show cause notice, dated 27.08.2022 and the authorities shall follow the due procedure pursuant to the such explanation offered by the petitioner. In the meanwhile, till a decision is taken on the show cause notice and its proposed explanation by the petitioner, the respondent authorities shall not take any coercive steps pursuant to the demand notice issued by the 4th respondent dated 24.09.2022. However, it is made clear that this order would not come in the way to pass appropriate orders in accordance with law, by the

authorities after providing inspection report and submission of explanation by the petitioner.

Accordingly, the Writ Petition is disposed of. No costs.

Consequently, miscellaneous petitions, if any, pending in this writ petition shall stand closed

B. KRISHNA MOHAN, J

31.10.2022.

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