

Final Order No. 13/2016

Dated: 18.01.2016

[In Revision Application No. 22/42/2013/RC-I]

Shri Ramesh Prasad Sao

Revisionist

Versus

State Government of Odisha

Respondent

ORDER

[Under section 30 of the Mines & Minerals (Development & Regulation) Act, 1957 (MMDR Act) & Rule 55 of the Mineral Concession Rules, 1960 (MCR)]

This Revision Application has been filed by Shri Ramesh Prasad Sao (hereinafter called Revisionist) against the Order No. 60730 dated 06.11.2010 and 940, dated 13.01.2012. passed by the Deputy Director Mines, Joda Circle, District Kenojhar (here-in-after referred as 'Impugned order').

2. Through the 'Impugned Order', State Government demanded Rs. 1,40,01,212/- (one crore forty lakh one thousand two hundred twelve only) and Rs. 2,72,02,308/- (two crore seventy-two lakh two thousand three hundred eight only) towards short levy of mining revenue from the revisionist.

3. The final hearing of the Revision Application was held on 06.01.2016. The Revisionist was represented by Shri Manas Mahapatra, Senior Advocate, Shri Lalitendu Mahapatra, Advocate and Shri Saurabh Rajpal, Advocate. The State Government of Odisha was represented by Ms. Kirti Mishra, Advocate.

4. The facts of the case are as under:

4.1 The case was taken up for admissibility and deciding on the issue of condonation of delay as appeal against the Impugned Orders mentioned above was preferred after over 1 year 4 months' delay.

4.2 Technically revisionist is supposed to file to separate applications as he is challenging two Order issued by Government of Odisha in different point time.

4.3 However, on behalf of the revisionist, the counsel pleaded that not giving opportunity to be heard is violative of the natural justice.

4.4 DDM, Joda vide its letter no. 60730 dated 06.11.2010 asked the lessee to pay Rs. 1,40,01,212/- within 7 days towards cost price of the short quantity. Revisionist asked the details leading to this demand. However, he was not provided any breakup. The revisionist under reported duress deposited the sum as claim by DDM, Joda.

4.5 Thereafter, afresh demand notice dated 13.01.2012 was issued raising demand of Rs. 2,72,02,308/- again revisionist was not provided any legal basis or calculations leading to such a demand.

5. Despite absence of sufficient cause provided on behalf of the revisionist to back-up their request for condonation of delay in filling the revision application, and also technicality involved in filling a single revision application in respect of two Impugned Order, the request of the counsel appearing on behalf of the revisionist has mainly been to impress the state authority to provide the details of the calculation leading upto the two demand notices issued to the revisionist. He forcefully argued that this is primary requirement to meet the aims of natural justice. The counsel appearing on behalf of the State Government agreed that right to get the calculation sheet to substantiate the reasons for raising such a demand is a necessary first step, however, she further contended that she does not have the relevant inputs, if State Government, at all, has faltered in providing the needed details to the revisionist.

6. In view of above, without setting aside the Impugned Orders the case is being remanded back to the State Government for providing the calculation sheet leading to both the Orders issued by the State Government on 06.11.2010 and 13.01.2012 respectively. Thereafter, revisionist may be provided with the opportunity to be heard for explaining his side.

7. This order may be communicated to all the parties concerned.

(Sudhaker Shukla)
Economic Adviser and
Revisionary Authority