

THE HON'BLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION No.20136 of 2023

NU VISTA Limited (Formerly known as Emami Cement Limited)
Having its registered office at Equinox Business Park Tower 3,
LBS Marg, Kurla (West), Mumbai, Represented by its SVP-Legal
Head Mr. Venkata Ramana Korrapati.

... Petitioner

Versus

State of Andhra Pradesh, Department of Mines and Geology,
Secretariat Buildings, Velagapudi, Amaravati, Guntur District,
Rep. by its Secretary and four others.

... Respondents

Counsel for the petitioner : Sri N. Jeevan Kumar

Counsel for respondents : GP for Mines and Geology and
Sri V. Surendar Reddy,
Standing Counsel

ORDER

The writ petition is filed under Article 226 of the
Constitution of India seeking the following relief:

“...to pass an order, directions or writ more particular one
in the nature of Writ of Mandamus declaring the Notice
No.3276/M/2013, dated 21.07.2023 issued by Respondent
as arbitrary, illegal, contrary to principles of natural justice
and violative of the Fundamental rights guaranteed under
Article 19 (1)(g) and consequently set aside the Notice
No.3276/M/2013, dated 21.07.2023 ...”

2. Heard Sri N. Subba Rao, learned Senior Counsel representing Sri N. Jeevan Kumar, learned counsel for the petitioner; Sri K. Naveen Kumar, learned Government Pleader for Mines and Geology for respondent Nos.1 to 4 and Sri V. Surendar Reddy, learned Standing Counsel for respondent No.5.

3. Learned Senior Counsel would submit that no show cause notice preceding, the notice impugned, was issued to the petitioner. He would also submit that the name of petitioner's company was changed as 'NU VISTA Limited' from 'Emami Cement Limited' and the same was intimated to the Assistant Director, Mines and Geology/respondent No.3, which was received by respondent No.3 on 10.06.2020. He would also submit that W.P.No.2493 of 2022 was filed seeking direction to the respondents therein to effect change of the name of the company in the Mining Lease Deed, dated 01.08.2018. The said writ petition was allowed on 14.02.2022. However, respondent Nos.1 to 4 did not effect change of the company's name and issued notice impugned, in the name of 'Emami Cement Limited'. Thus, prayed to set aside the notice impugned.

4. Learned Government Pleader for Mines and Geology, would fairly contend that no show cause notice, preceding the notice impugned in this writ petition, was issued to the petitioner. He would contend that respondents are taking steps to change the name of the petitioner's company as per intimation letter addressed by the petitioner.

5. As seen from notice No.3276/M/2013, dated 21.07.2013, respondent No.4 directed the petitioner to pay an amount of Rs.57,82,37,020/- towards minimum production of Limestone as per MDPA agreement, within 15 days from the date of receipt of said notice. As seen from the contentions, it is an undisputed fact that show cause notice was not issued before making demand. Since show-cause notice was not issued to the petitioner prior to issuance of this notice, impugned in the writ petition, this Court deems it appropriate to direct the petitioner to submit explanation treating the notice, impugned in the writ petition, as show cause notice.

6. In view of the above, the notice No.3276/M/2013, dated 21.07.2013, impugned in this writ petition, be treated as show cause notice. Petitioner shall submit explanation in the name of 'NU VISTA Limited' within a period of three weeks from today.

Respondent No.4 shall consider the explanation of the petitioner objectively and pass orders, strictly in accordance with law, within four weeks thereafter and communicate the same to the petitioner.

Till such time, respondents shall not take coercive steps pursuant to issuance of notice No.3276/M/2013 dated 21.07.2023.

With the above directions, this writ petition is disposed of.
No costs.

As a sequel, pending miscellaneous petitions, if any, shall stand dismissed.

JUSTICE SUBBA REDDY SATTI

Date : 10.08.2023
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Date : 10.08.2023
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