

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

TUESDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM
WRIT PETITION NO: 6678 OF 2026



Between:

M/s. Vishwa Samudra Engineering Private Limited, A company registered under the provisions of Companies Act, 2013, Having its Registered Office at 8th and 9th Floor, Vamsiram Jyothi Valencia Road No.2, Banjara Hills, Hyderabad, Telangana - 500034. Rep by its Authorized Representative, Mr.D.Ramachandra Rao, Aged 49 years, S/o.D.KrishnaPrasad.

PETITIONER

AND

1. The State of Andhra Pradesh, Rep.by its Prl.Secy, Department of Mines & Geology, Secretariat, Amaravati. - 522238
2. The Director of Mines & Geology, Andhra Pradesh, Ibrahimpatnam, Vijayawada. - 521456
3. The Deputy Director of Mines & Geology, Srikakulam.- 532001
4. The District Mines and Geology Officer, Srikakulam.- 532001
5. The Divisional Mines & Geology Officer, Tekkali, Srikakulam District. - 532203
6. The Indian Overseas Bank, Jubilee Hills Branch, Office at D.No.8/2/293/82/A/1355A & A1, Jubilee Hills, Hyderabad- 500033, Rep by its General Manager.
7. The Assistant General Manager, Indian Overseas Bank Jubilee Hills Branch, Hyderabad-500033.

RESPONDENTS

WHEREAS the Petitioner above named through its Advocate SRI N ASHWANI KUMAR, presented this Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of "Writ of Mandamus"

A.) Declaring the action of Respondent No.2 in failing to consider, adjudicate and pass necessary orders in the Appeal invoking Rule 35 of APMMC Rules, 1966 filed by the Petitioner vide Filing Date 11.12.2025 and Additional Grounds raised in support of the Appeal along with prayer for an ad-interim relief vide Filing Date 07.01.2026 as being illegal, arbitrary, abdication of jurisdiction, in violation of Art.14 of Constitution of India, and

B.) Declaring the action of the Respondents, more particularly, the action of Respondent No.4 herein, in issuing proceedings No.433/SF-CCC/SKLM/2023 dated 12.01.2026 seeking forfeiture of the Bank Guarantees bearing BG No.157071125000026 dated 14.11.2025 for Rs.12,91,67,083/- BG No. 157071125000027 dated 14.11.2025 for Rs.7,00,00,000/-, and BG No. 157071125000029 dated 15.11.2025 for Rs.6,00,00,000/- issued by Respondent No.6 Bank and further issuing Letter N0.433/SF-CCC/SKLM/2023 dated 24.02.2026 directing Respondent Nos.6 and 7 to remit the amounts covered under the said Bank Guarantees to the account of Respondent N0.4, pending adjudication of the Appeal filed by the Petitioner vide Filing Dates 11.12.2025 and 07.01.2026 as being illegal, arbitrary unjust, unconstitutional and in violation of Rule 35 and Rule 35-C of the APMMC Rules, 1966, and

C.) Consequently direct the Respondent No.2 to dispose/ pass appropriate orders in the Appeal filed by the Petitioner at the earliest preferably within reasonable time frame, and

D.) Consequently set aside the CCC/SKLM/2023 dated 12.01.2026 pass proceedings No.433/SF- and Letter No.433/SF- CCC/SKLM/2023 dated 24.02.2026 issued by the Respondent No.4 and

E.) Further Consequently direct the Respondent Nos.6 and 7 not to pay release the amounts covered under the said Bank Guarantees furnished by the Petitioner Company;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri N ASHWANI KUMAR, Advocate for the Petitioner, learned GP FOR MINES & GEOLOGY for the Respondent Nos.1 to 5 directed issue of notice to the Respondent Nos.6&7 herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The General Manager, Indian Overseas Bank, Jubilee Hills Branch, Office at D.No.8/2/293/82/A/1355A & A1, Jubilee Hills, Hyderabad-500033.
2. The Assistant General Manager, Indian Overseas Bank Jubilee Hills Branch, Hyderabad-500033.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted, on or before 24.03.2026, on which date the case stands posted for hearing.

IA NO: 1 OF 2026

Petition under Section 151 CPC is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to suspend the operation of proceedings No.433/SF-CCC/SKLM/2023 dated 12.01.2026 & Letter NO.433/SF-CCC/SKLM/2023 dated 24.02.2026 issued by the Respondent No.4, pending disposal of WP No. 6678 of 2026, on the file of the High Court.

The Court made the following ORDER:

1. Heard Sri Y.V.Ravi Prasad, learned Senior Counsel assisted by Sri N.Ashwani Kumar, learned counsel for the petitioner and Sri P.Rama Krishna, learned Government Pleader for Mines and Geology.

2. Sri Y.V.Ravi Prasad, learned Senior Counsel submits that the petitioner instituted an Appeal before the second respondent on 11.12.2025 under Rule 35 of the Andhra Pradesh Minor Mineral Concession Rules, 1966, challenging the Communications dated 30.04.2025, 16.06.2025 and 17.06.2025 issued by the District Mines and Geology Officer, Srikakulam (District Officer) by raising contentious grounds. ✓

3. He further asserted that in addition to the main Appeal, petitioner also filed Additional Submissions on 07.01.2026 before the 2nd Respondent. Learned Senior Counsel specifically brought the notice of this Court to the Additional Submissions dated 07.01.2026, wherein it was stated that pending Appeal, the Communication dated 16.12.2025, which was challenged in the Appeal, requested to put in abeyance and to direct the District Authorities not to take any coercive or recovery action, pending disposal of the Appeal. ✓

4. He further states that when the Appeal as well as additional submissions are pending consideration before the second respondent, without passing any orders thereon, the District Mines and Geology Officer i.e., the fourth respondent addressed a Letter No.433/ SF-CCC/SKLM/2023, dated 24.02.2026 to respondent Nos.6 and 7/bank officials to remit the bank guarantees amount in the Bank Account No.11152296402 State Bank of India, Treasury Branch, G.T. Road Branch, Srikakulam. ✓

5. Learned Senior Counsel relied on the Judgment of the Hon'ble Supreme Court in *Mool Chand Yadav and Anr Vs. Raza Buland Sugar Company Limited, Rampur and Others* reported in (1982) 3 SCC 484 which was also followed by the Division Bench of Allahabad High Court in C.No.31209 of 2019, dated 25.09.2019. ✓

6. Conversely, Sri P.Rama Krishna, learned Government Pleader for Mines and Geology vehemently disputed the very filing of the Appeal by stating that the petitioner has not followed the requisite procedural formalities in instituting an Appeal before the second respondent. He sought a weeks' time to file counter affidavit in that regard. ✓
7. In view of the rival submissions made by the respective parties, it is not in dispute that an appeal lies under Section 35 of the AP Minor Mineral Concession Rules, 1960, and in the instant case, the petitioner seems to have availed the same along with additional submissions and sought interim protection. Evidently, the second respondent has not disposed of either the interim application or the main Appeal. ✓
8. Though the learned Government Pleader pointed out the procedural lapses only, it is apt to note that the procedural laws are intended to do substantial justice to the parties but not to penalize them. Added to that, in the dictum held in *Mool Chand Yadav and Anr Vs. Raza Buland Sugar Company Limited, Rampur and Others*, the Hon'ble Apex Court had unequivocally held that when a statutory appeal or revision is filed and no interim order is granted on the stay application, serious civil consequences will follow and the Appeal/revision will become infructuous. ✓
9. Taking into consideration the above well settled legal principles, this Court is of the considered opinion that *prima facie* case and balance of convenience are in favour of the petitioner and as such, there shall be an order of interim suspension of operation of Proceedings No.433/SF-CCC/SKLM/2023 dated 12.01.2026 and Letter No.433/SF-CCC/ SKLM/2023 dated 24.02.2026 issued by the fourth respondent, for a period of two (02) weeks. ✓
10. Issue notice to respondent Nos.6 and 7. ✓

11. Learned counsel for the petitioner is permitted to take out personal notice on respondent Nos.6 and 7 through speed post with acknowledgment due and file proof of service into the Registry.
12. Post on 24.03.2026.
13. Meanwhile, respondents are directed to file their comprehensive counter affidavits addressing all the issues raised in the Writ Affidavit.
14. If there is any immense urgency in the *lis*, respondents are at liberty to file vacate stay application, if so advised.

//TRUE COPY//

SD/- K. KASIRAO ACHARI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Prl.Secy, Department of Mines & Geology, Secretariat, Amaravati. - 522238, State of Andhra Pradesh (BY SPECIAL MESSENGER)
2. The Director of Mines & Geology, Andhra Pradesh, Ibrahimpatnam, Vijayawada. - 521456
3. The Deputy Director of Mines & Geology, Srikakulam.- 532001
4. The District Mines and Geology Officer, Srikakulam.- 532001
5. The Divisional Mines & Geology Officer, Tekkali, Srikakulam District. - 532203
6. The General Manager, Indian Overseas Bank, Jubilee Hills Branch, Office at D.No.8/2/293/82/A/1355A & A1, Jubilee Hills, Hyderabad-500033.
7. The Assistant General Manager, Indian Overseas Bank Jubilee Hills Branch, Hyderabad-500033.(Addressee Nos.2 to 7 by RPAD- along with a copy of petition and affidavit)
8. One CC to SRI. N ASHWANI KUMAR Advocate [OPUC]

9. Two CCs to GP FOR MINES AND GEOLOGY ,High Court Of
Andhra Pradesh. [OUT]

10. One spare copy

KJ

HIGH COURT

MRK,J

DATED:10/03/2026

POST ON 24.03.2026

NOTICE BEFORE ADMISSION

WP.No.6678 of 2026

DIRECTION

