



IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

WPA/377/2025

M/s Sakthi Builders India Private Ltd and another

Vs.

The Deputy Commissioner and Others

Mr. Gopala Binnu Kumar ... for the petitioners

Ms. Babita Das ... for the respondents

August 5, 2025
[SR]
Item No. 20

Heard learned counsels for the parties.

The petitioners have been carrying on business and have been importing silica sand from Malaysia and purchasing stone aggregates from Chennai and other parts of the country.

An order was passed by the Deputy Commissioner, Nicobar District on 25th March, 2025 imposing penalty upon the petitioner to the tune of Rs.3,86,43,200/- for illegal transportation and dumping of stone aggregates and sand. Provision under section 201(6) of the Andaman and Nicobar Islands Land Revenue Land Reforms Regulation, 1966 as well as section 34 of the Andaman and Nicobar Islands Minor and Mineral Rules, 2012 were invoked in imposing such penalty.

The petitioners were not granted an opportunity of hearing prior to imposing such penalty. The order was assailed by this petitioner before this Court and by an order passed on 16th May, 2025, this Court set aside the order passed by the Deputy Commissioner and directed the authority to revisit the issue in the light of the observation made in the said order.

Despite such direction, the authority took up the matter for reconsideration and by an order impugned dated 18th June,



2025, affirmed the order passed by the Deputy Commissioner which was earlier set aside by this Court.

Upon consideration of material on record, this Court is of the view that this matter needs to be heard on merits.

Learned counsel for the respondents seeks to use an affidavit in opposition in this matter.

Affidavit in opposition be filed within two weeks from date. Affidavit in reply, if any, be filed within a week thereafter.

The matter be placed before the next available Circuit Bench.

The order impugned dated 18th June, 2025 passed by the Sub Divisional Magistrate, Nicobar District in RC No.01/DCN/2025 be stayed till 31st August, 2025 or until further orders, whichever is earlier.

(Suvra Ghosh, J.)