IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.1754 OF 2004

Padm. Dr. Vithalrao Vikhe Patil
Sahakari Sakhar Karkhana Ltd.,
At Pravaranagar, Tq-Rahata,
Dist-Ahmednagar, through its
Managing Director - N.S. Patil,
Age-Major, Occu:Service,
R/o-At Pravaranagar, Tq-Rahata,
Dist-Ahmednagar.

...PETITIONER

VERSUS

1) The State of Maharashtra,
Through Secretary, Home(Transport),
Maharashtra State, Mantralaya,
Mumbai,

2) The Commissioner of State Excise,
Old Custom House, Mumbai,

3) The Collector,
(State Excise Department),
Ahmednagar, Dist-Ahmednagar.

...RESPONDENTS

...

Mr.V.D. Hon, Senior Counsel for Petitioner.
Mr.S.A. Ambad, A.G.P. for Respondents.

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CORAM: S.V. GANGAPURWALA AND
A.I.S. CHEEMA, JJ.

DATE : 17TH APRIL, 2015

ORAL ORDER :

1. The learned senior counsel for petitioner submit that, in this matter the petitioner is assailing levy of transport fees on the transportation of rectified spirit.

2. The learned A.G.P. submits that after the Judgment is delivered by the Division Bench of this Court on 06.05.2011 in Writ Petition No. 2922 of 2001 and other connected Writ Petitions, the Respondents have issued a circular dated 12.08.2011, whereby it has been directed that no transport fees shall be recovered. Even circular dated 21.09.2011 has been issued with regard to giving refund of the recoveries made of the transport fees.

3. The learned counsel for petitioner and the learned A.G.P. submit that in view of the fact that, the recoveries of transport fees have been stopped and further directions have been given for

the refund of the transport fees paid, the present writ petition be disposed of. Even otherwise the parties would be governed by the orders passed by the Apex Court.

4. In the light of the above, the writ petition stands disposed of. The Petitioner may avail for the benefit of refund as stated in circular dated 21.09.2011 issued by the Respondents on compliance of the legal requirements as stated in the said circular. Rule disposed of. No costs.

5. The Petitioner would make the compliance as is required in the said circular considering the fact that the order is passed today.

[A.I.S.CHEEMA,J.] **[S.V. GANGAPURWALA, J.]**

asb/APR15