

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 2349 OF 2015

NAVALBHAU PRATISHTHAN, DHULE  
VERSUS  
THE UNION OF INDIA AND OTHERS

.....

Advocate for Petitioner : Mr. P. S. Patil  
ASG for respondent No. 1 : Mr. S. B. Deshpande  
AGP for Respondent Nos. 2 and 3 : Smt. S. A. Dhumal

.....

**CORAM : S. V. GANGAPURWALA AND  
V. K. JADHAV, JJ.**

**DATED : 10<sup>th</sup> JUNE, 2015**

**PER COURT :-**

1. Mr. Patil, learned counsel for the petitioner states that the amount of Rs.25,05,855/- was sanctioned to the petitioner for construction of working women's hostel at Pavannager, Cidco, Nasik. The learned counsel submits that the petitioner has constructed the hostel and is running the same as per the norms. A part of the extra construction is being utilized for running the primary school. However, now the Department is intending to recover the grant alongwith interest on the ground that extra activities in the building are being conducted. The same is improper. The learned counsel further submits that the petitioner is ready to pay the amount as demanded, however, a reasonable time of two years be given for payment of the same. The petitioner has paid Rs.8,00,000/- as

directed by this Court.

2. Mr. Deshpande, the learned ASG submits that the amount was sanctioned for a particular purpose. The petitioner has utilized the said amount for other purpose. Notice is rightly issued, as it is the public money. The petitioner is required to pay that amount as claimed within seven days and if it is not paid, they are liable for further action.

3. We have considered the submissions canvassed by the learned counsel for respective parties. The factual matrix is not much disputed. It also cannot be disputed that the petitioner is required to pay the amount of Rs.25,05,855/- to respondent No. 3. The reasons are given why the amount cannot be repaid in short time.

4. The petitioner has deposited an amount of Rs.5,00,000/- in the office of respondent No. 3 vide demand draft dated 30.01.2015 within 7 days of notice. This Court has directed the petitioner to deposit Rs.3,00,000/-. It is submitted that the said amount is also deposited, though belatedly.

5. It would not be appropriate to grant two years time to the petitioner to deposit the amount. Considering the difficulties shown

and the amount of Rs. 17,05,855/- is still remaining outstanding, we are inclined to grant one year's time to the petitioner to deposit the said amount. The said time should be followed scrupulously by the petitioner. In the light of above, we pass the following order:-

### O R D E R

- I. The impugned show-cause notice to the extent of stating that the respondent is intending to file FIR for not depositing the amount within seven days is set aside.
- II. The petitioner has already paid Rs. 5,00,000/- to respondent No. 3. The amount of Rs. 3,00,000/- deposited in this Court is allowed to be withdrawn by respondent No. 3. The remaining amount of Rs. 17,05,855/- shall be deposited by the petitioner with respondent No. 3 in four equal installments starting from today within a period of one year.
- III. In case the amount is not deposited, as directed vide the present order, respondent No. 3 is free to take further coercive steps.
- IV. Writ Petition is accordingly disposed of with the aforesaid observations and directions. However, there shall be no order as to costs.

**( V. K. JADHAV, J.)**

**( S. V. GANGAPURWALA, J. )**