

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION (CIVIL) NO. 33 OF 2015
IN WP/1290/2015

WITH

REVIEW APPLICATION (CIVIL) NO. 34 OF 2015
IN WP/1312/2015

WITH

REVIEW APPLICATION (CIVIL) NO. 35 OF 2015
IN WP/1348/2015

BIG CINEMAS TALREJA, PARBHANI
VERSUS
STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicants : Shri Vakil Laharimanohar D.
AGP for Respondents: Shri Ambad S.A.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: March 30, 2015

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PER COURT :-

1. I have heard Shri Vakil, learned Advocate for the applicants and Shri Ambad, learned AGP on behalf of the respondents.

2. Shri Vakil points out that this Court while deciding Writ Petition Nos. 1290, 1312 and 1348 of 2015, by order dated 16.2.2015, has recorded the submission of the applicants, in paragraph No.5 as under:-

"5 The Petitioners in these petitions are directed to pay an amount of Rs.15,12,120/-, Rs.15,12,120/- and Rs.04,79,220/- respectively. The tax for advertisements imposed by the District Collector on these three Petitioners is with regard to the private advertisements telecast by the Petitioners before the start of telecasting movies and during the interval sessions."

3. Based on the same, this Court has issued directions in paragraph No.10 of the said order as under:-

“10 However, the Petitioners shall deposit Rs.7,70,000/- in Writ Petition No.1290/2015, Rs.7,70,000/- in Writ Petition No.1312/2015 and Rs.2,40,000/- in Writ Petition No.1348/2015 before the District Collector, Parbhani within a period of FOUR WEEKS from today.”

4. Shri Vakil, learned Advocate points out from paragraph No.1 of the Review Petition that the amounts recoverable from the applicants in these three petitions and the order of this Court to pay 50% of the said amounts, should have been as follows:-

Sr.	Writ Petition No.	The date of Order	Recoverable amount	50% amount as per order of this Hon'ble Court.
1	1290/2015	24.09.2013	3,11,400/-	1,55,700/-
2	1312/2015	21.12.2012	4,79,220/-	2,39,610/-
3	1348/2015	24.12.2012	15,12,120/-	7,56,060/-
Total amount :-			23,02,740/-	11,51,370/-

5. The learned AGP relying on the fresh notices dated 18.3.2015, issued by the Tahsildar, Parbhani to the applicants, confirms the statement made by the applicants in terms of the chart reproduced as above.

6. In the light of the same, since the error is apparent in paragraph Nos.5 and 10 of the order under review, dated 16.2.2015, the said two

paragraphs stand reviewed. The applicants, who are petitioners in Writ Petitions mentioned in the chart reproduced as above, shall accordingly be liable to deposit the total amount of Rs.11,51,370/-, on the basis of computing 50% of the recoverable amount.

7. It is informed that the applicants / petitioners have deposited an amount of Rs. 6,00,360/- in excess. The applicants / petitioners are at liberty to apply for refund of the said amount and the respondents shall refund the said amount since the applicants have already deposited an amount of Rs.11,51,370/- as per the orders of this Court, besides the excess amount of Rs.6,00,360/-.

8. All three Review Applications are accordingly partly allowed as above. The rest of the order dated 16.2.2015, is maintained.

9. The learned Collector, Parbhani shall proceed to decide the claims of the applicants / petitioners in the light of the order dated 16.2.2015 (paragraph No.12). Learned AGP shall accordingly inform the respondents to decide the said proceedings as per the directions of this Court.

(RAVINDRA V. GHUGE, J.)

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