

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**WRIT PETITION NO. 2990 OF 2015**

Mahendra Ramndas Lalwani

...PETITIONER

versus

The State of Maharashtra and others

...RESPONDENTS

.....  
Mr. S.R. Barlinge, Advocate for Petitioner  
Mr. V.G. Shelke, A.G.P. for respondents  
.....

**CORAM : SUNIL P. DESHMUKH, J.**

**DATED : 23<sup>rd</sup> MARCH, 2015**

**Order :-**

1. After hearing the parties for quite sometime, it transpires that the petitioner had been allotted sand spot for Rs. 36,00,000/-, which amount is stated to be already deposited by the petitioner. It is further submitted on behalf of petitioner on the allegations of breach of some conditions, unwarrantedly huge penalty is imposed. As a matter of fact, according to the petitioner, only during a period of one and half months from the date of allotment of contract, he could excavate sand worth Rs. 8,00,000/- and rest of the amount of Rs. 28,00,000/- is lying with respondents. In this scenario, it is being additionally submitted that while revision is being considered only in respect of imposition of the penalty, condition No. (2) in impugned order directing deposit of 50% of the penalty amount is improper and untenable.

2. Mr. Shelke, learned Assistant Government Pleader appearing for respondents submits that for breach of condition, the penalty has been imposed and, therefore, it cannot be said that imposition of condition for grant of stay to recovery of penalty is unwarranted.

3. The matter appears to be concerning penalty. An amount of Rs.28,00,000/- is stated to be already lying with revenue authorities which appears to cover the quantum of amount directed to be deposited under clause (2) of impugned order, in this peculiar situation, request for relaxation of condition of deposit is being considered and the amount may be given proper treatment on adjudication of the revision.

4. In view of aforesaid, condition as appearing in clause (2) of the impugned order dated 23-02-2015 passed by Additional Commissioner, Nashik Region, Nashik may not be insisted upon and as such is set aside.

5. With above observations, writ petition stands disposed of. No order as to costs.

6. It is expected that revision would be taken up for hearing expeditiously and disposed of.

Sd/-  
( **SUNIL P. DESHMUKH, J.**  )