

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1610 OF 2015

Jaigarh Port Limited

.. Petitioner

vs.

Collector, Ratnagiri District

Collector's Office, Ratnagiri and ors.

.. Respondents

Mr. Annirudha Joshi a/w. Pratiti Nephane & Tushal Ingale i/b Maniar
Srivastava for the Petitioner.

Ms Neha Bhide, 'B-Panel AGP for Respondent Nos.1 and 2.

CORAM : M. S. SONAK, J.

DATE : 13 FEBRUARY, 2015.

P.C. :-

- 1] Not on board. Upon production, taken on board.
- 2] Rule. With the consent of and at the request of learned counsel for the parties, Rule is made returnable forthwith.
- 3] The petitioner has instituted an appeal under Section 247 of the Maharashtra Land Revenue Code, 1966 before the Additional Commissioner, Konkan Division impugning the order dated 5 December 2014, which directs the petitioner to pay Royalty in an amount of Rs.3,08,74,400/- and penalty in an amount of Rs.53,29,32, 582/-.
- 4] Pending the appeal, the petitioner applied for interim relief. It is the case of the petitioner that several contentions were advanced and finally written submissions were also filed before the Additional Commissioner. However, by the impugned order dated 21 January 2015, the interim relief has been declined. Perusal of the impugned order dated 21 January 2015 would indicate that the impugned order merely records the final conclusion, without any backing of the reasons.

5] Be that as it may, learned counsel for the parties informed this Court that the matter has now been fixed before the Additional Commissioner for final hearing on 3 March 2015. Further, the petitioner had already, without prejudice, deposited/paid Royalty amount of Rs.3,08,74,400/-.

6] In the aforesaid circumstances, rather than setting aside of the impugned order and direct any fresh consideration of the motion for interim relief, it would be appropriate if on 3 March 2015, the Additional Commissioner takes up the matter for final hearing and thereafter disposes of the petitioner's appeal finally on or before 15 April 2015, without fail. In the meanwhile, considering the petitioner had already deposited Royalty amount demanded, no further coercive action shall be taken against the petitioner in the matter of recovery of penalty amount, during the pendency of the appeal.

7] Rule is made absolute to the aforesaid extent. There shall be no order as to costs.

8] All parties to act upon an authenticated copy of this order.

(M. S. SONAK, J.)