

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2352 OF 2014
IN
WRIT PETITION NO. 6136 OF 2013

The District Collector, MSD & Ors.	..	Applicants
vs.		
M/s. Allied Automobile Works	..	Respondent

AND
CIVIL APPLICATION NO. 2805 OF 2014
IN
WRIT PETITION NO. 6136 OF 2013

M/s. Allied Automobile Works	..	Applicant
<u>In the matter between :</u>		
M/s. Allied Automobile Works	..	Petitioner
vs.		
The District Collector, MSD & Ors.	..	Respondents

Ms Aparna Vhatkar – AGP for Applicants and Original Respondent
Nos. 1 to 3 and 5.

Mr. Vinay Hegde for Original Petitioner and Applicant in CA 2805 of
2014.

CORAM : M. S. SONAK, J.
DATE: 22 JANUARY 2015

P.C. :-

1] By order dated 13 January 2014 in writ petition no. 6136 of 2013, M/s. Allied Automobile Works (AAW) were directed to deposit an amount of Rs.1,10,00,000/- in this Court, the disbursement of which was made subject to their appeal pending before the Additional Commissioner, Konkan Division.

2] The said appeal was disposed of by the Additional Commissioner, by setting aside the impugned order. However, the matter was remanded to the Collector, Mumbai Suburban District, for fresh consideration.

3] The Collector, Mumbai Suburban District, in pursuance of the remand, has once again decided against the AAW.

4] Both, AAW as well as the Collector, Mumbai Suburban District have taken out the civil applications for withdrawal of the amount of Rs.1,10,00,000/- , which till date lies in deposit before this Court.

5] The learned counsel for the AAW is technically right in his submission that once the Additional Commissioner decided the appeal in favour of the AAW, the amount deposited ought to be refunded to AAW. Nevertheless, this Court cannot be oblivious to the subsequent development, namely, the decision of the Collector, Mumbai Suburban District, in pursuance of the remand. This decision is against the AAW. Accordingly, it may not be proper to permit the AAW to withdraw the amount, at this stage.

6] The learned counsel for the AAW states that the AAW shall

prefer an appeal against the decision of the Collector, Mumbai Suburban District to the Additional Commissioner, Konkan Division, within a period of two weeks from today. If such an appeal is preferred within two weeks, the Additional Commissioner, Konkan Division to hear and decide the same within a period of three months from the date of filing of the same.

7] In the meanwhile, the amount of Rs.1,10,00,000/- shall lie deposited in this Court. The Registry shall invest the same, if not already invested, in a nationalised bank. Such deposit shall be subject to outcome of the appeal, as aforesaid.

8] Both civil applications are disposed of in the aforesaid terms. Liberty is however granted to both the parties to apply depending upon the outcome of the appeal as aforesaid.

(M. S. SONAK, J.)