

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 5338/2015

(BHAIYYAJI RAMBHAUJI ROKDE & OTHERS **VERSUS** STATE OF MAHARASHTRA & ANOTHER)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri V.S. Mishra, counsel for the petitioners.
Ms T. Khan, A.G.P. for the R-1 & 2.

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : OCTOBER 27, 2015.

By this petition, the petitioners impugn the communication of the respondents asking the petitioners to pay Rs.50,000/- as inspection fees along with the license fees for renewal of the money lending license under Section 12 of the Maharashtra Money Lending Act, 2014.

The petitioners are the money lenders and the money lending license was issued in favour of the petitioners for the year 2013-14. The petitioners applied for renewal of the money lending license in March-2015 but, the applications of the petitioners were not considered. The petitioners have, therefore, sought a direction to the respondents to decide the applications of the petitioners.

The respondent no.2 has filed the affidavit-in-reply. It is stated in the affidavit-in-reply that apart from the license fees, the petitioners would be required to pay 1% of the maximum capital utilized by them during the period of license sought to be renewed or an amount of Rs.50,000/-, whichever is less. It is stated that it is clear that the maximum capital amount utilized by the petitioners during the previous year is more than Rs.50,00,000/- in case of each of the petitioners and, therefore, the petitioners would be required to pay a sum of Rs.50,000/- in addition to the license fees if the petitioners are desirous of renewing their money lending

license. It is stated that if the petitioners deposit the amount of Rs.50,000/- along with the license fees, the applications of the petitioners could be considered. It is stated that since the inspection fees of Rs.50,000/- were not paid by the petitioners, the applications for renewal of license were not considered.

On hearing the learned counsel for the parties, it appears that the maximum capital utilized by each of the petitioners is more than Rs.50,00,000/- during the license period. In case of some of the petitioners, it is more than Rupees One Crore and in case of one of the petitioners it is more than Rs.60,00,000/-. If that be so, 1% of the maximum capital utilized by the petitioners during the license period would be more than Rs.50,000/-. Since Section 12 of the Act of 2014 provides for payment of Rs.50,000/- as inspection fees if 1% of the maximum capital utilized by the money lenders during the period of license is more than Rs.50,000/-, it would be necessary for the petitioners to deposit a sum of Rs.50,000/- towards Inspection Fees along with the license fees.

We direct the respondents to process the applications of the petitioners if the petitioners deposit a sum of Rs.50,000/- towards Inspection fees in addition to the license fees for the renewal of the license.

The writ petition stands disposed of. No costs.

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