

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

WRIT PETITION NO. 949 OF 2016

Sillod Shikshan Sanstha, Aurangabad's
C/o Nutan Bahuddeshya Vidhyalaya,
Aurangabad, Through its Principal
and Administrative Officer,
Dr. Ratan S/o Asaram Wagh .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri P. S. Pawar, Advocate for the Petitioner.
Shri S. S. Dande, A. G. P. for the Respondent No. 1.
Shri S. V. Kurundkar, Advocate for the Respondent No. 2.
The Respondent No. 3 served.

**CORAM : S. V. GANGAPURWALA
K. K. SONAWANE, JJ.**

DATE : 21ST APRIL, 2016.

PER COURT :

. Mr. Pawar, the learned counsel submits that, the petitioner was allotted plot along with constructed structure for running the school. The estimated cost of the plot was Rs. 55,27,850/-. The petitioner was required to pay annual installment of Rs. 7,38,009/- for 15 years. According to the learned counsel, the last date for payment of installment would be April, 2008. The learned counsel submits that, till now the petitioner has deposited the entire amount of installments. The petitioner applied for exemption of the delayed payment charges. The same is rejected. The learned

counsel submits that, similarly situated institution has been granted benefit of 100% exemption of delayed payment charges. The learned counsel further submits that, the respondent No. 2 issued an advertisement on 29.08.2009 wherein it was stated that, if the amount is paid immediately, then 100% exemption of delayed charges would be granted. The petitioner paid the entire arrears of installment in January, 2010. The learned counsel submits that, petitioner is entitled for 100% exemption of the delayed charges.

2. Mr. Kurundkar, the learned counsel for the respondent No. 2 submits that, as far as the advertisement dated 29.08.2009 is concerned, the same was meant and limited only for residential plots. The learned counsel further submits that, with regard to the institutions like the petitioner, there was a scheme floated vide Resolution dated 05.02.2004 wherein it was stated that if within one year from the date of the said Resolution the payment of the entire installment is made, the delayed charges would be exempted. The said scheme was reintroduced vide Resolution dated 10.10.2007, wherein it is stated that, if, within one year the amount of entire arrears of installment is paid 100% exemption would be granted and if it is paid after period of one year, then they were held to be entitled for 50% waiver of delayed payment charges. According to the learned counsel the benefit extended to Raj Dharma Vikas Prabodhini Institute is pursuant to the said Resolution of the Board. The learned counsel submits that, at the request of one similarly situated institution i. e. Shahu Education Society proposal was made to Government and the Government has

rejected the said proposal for waiver of delayed charges.

3. We have considered the submissions canvassed by learned counsel for respective parties.

4. It is not disputed that, the petitioner has not paid installments regularly and was irregular in payment of installment. The complete payment is made in January, 2010. It was supposed to be made by April, 2008. It appears that in January, 2010 the petitioner has made payment of Rs. 25,00,000/- as against the annual installment of Rs. 7,38,009/-. This itself shows that the petitioner was irregular in payment of installment. It has been clarified by the respondent that the advertisement dated 29.08.2009 regarding exemption from delayed charges is only limited to residential tenements and no other institutions like petitioner have been given benefit of the same. The petitioner has not applied under the scheme as floated by Resolution dated 05.02.2004 and 10.10.2007. Even the payment is not made as per Resolution dated 10.10.2007.

5. Considering the aforesaid aspects of the matter no relief can be granted to the petitioner, as such the writ petition is disposed of. No costs.

[K. K. SONAWANE, J.]

[S. V. GANGAPURWALA, J.]