

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10983 OF 2015

M/s. Shraddha Constructions and
Power Generation Pvt. Ltd.,
Through, Authorized Signatory,
Rajendra S/o. Krushnarao Chaudhari .. **Petitioner**

Versus

The Executive Director,
Godavari Marathwada Irrigation
Development Corporation,
Aurangabad and others .. **Respondents**

Shri N. B. Khandare, Advocate for the Petitioner.
Shri B. R. Surwase, Advocate for Respondent Nos. 1 and 2.
Shri N. B. Patil, A. G. P. for Respondent No. 3.

CORAM : S. V. GANGAPURWALA AND
K. K. SONAWANE, JJ.
DATE : 10TH AUGUST, 2016.

PER COURT :-

1. We have heard the learned counsel for respective parties.
2. We have dealt with the issue involved in the present petition in Writ Petition No. 1140 of 2013 with connected writ petition decided vide judgment and order dated 6th May, 2016.
3. For the reasons recorded in the said judgment we follow the same course and dispose of the present writ petition by passing the following order -

ORDER

A] The Excise Department shall conclude their proceedings within six (6) months as undertaken by it.

B] The Respondent G. M. I. D. C. shall not retain the amounts already deducted on the ground of excise duty. They shall also not further deduct the amounts from the running bills.

C] In case Excise Department comes to the conclusion that the items of the tender work are excisable then subject to appeal or otherwise the petitioners would be liable to pay the said amount to the Excise Department.

4. The Writ Petition is disposed of. No costs.

[K. K. SONAWANE, J.]

[S. V. GANGAPURWALA, J.]

sam/Aug.16