

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

WRIT PETITION NO.6741 OF 2012

Sunil s/o Ambadas Kadam ... PETITIONER

VERSUS

The State of Maharashtra
and others ... RESPONDENTS

.....
Shri A.A. Mukhedkar, Advocate for the petitioner
Shri B.V. Virdhe, A.G.P. for State
.....

CORAM: R.M. BORDE AND
A.I.S. CHEEMA, JJ.

DATED: 6th January, 2016.

ORAL ORDER :

1. The petitioner is praying for issuance of directions to respondents to accept the remaining auction amount of Rs.38,11,000/- and to put him in possession of the property which is subject matter of the auction process.

2. Since the respondent No.5 Carona Ltd. committed

default in payment of dues, which were required to be recovered by adopting mode prescribed for revenue recovery, revenue recovery proceedings were initiated and the properties belonging to the Company were put to auction. During the proceedings, the petitioner was found to be successful bidder and as such, he deposited the earnest amount. The company, however, raised objection to auction proceedings by presenting the Writ Petition. The company, however, did not comply with the directives in respect of the deposit of the amount issued by Court while entertaining petition and as such, the Writ Petition was dismissed. The Company approached the Supreme Court by presenting a Special Leave Petition. The Supreme Court also imposed the condition in respect of deposit of amount. However, the amount of Rs.25 Lakhs, which the company was liable to deposit within one month as directed by Apex Court was also not deposited. The Special Leave Petition presented by the Company was ultimately dismissed.

3. It is the contention of the respondent that the petitioner was directed to deposit the balance amount of Rs. 38,11,000/- by issuing the communication in the year 2006. However, the petitioner failed to deposit the said amount. In these circumstances, it is open for the respondents No.1 to 4 to

take appropriate decision in the matter and adopt appropriate procedure for enforcing recovery of amount from Carona Ltd. It would also be within the domain of the respondent authorities to take decision as to whether to continue with the auction proceedings initiated earlier or to initiate fresh proceedings which may, in all probabilities, fetch more price for the property. No interference is called for in the Writ Petition. The Writ Petition is rejected.

(A.I.S. CHEEMA, J.)

(R.M. BORDE, J.)