

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10848 OF 2015

JAWAHARLAL NEHRU COLLEGE OF SOCIAL
WORK, THROUGH ITS PRINCIPAL

PETITIONER

VERSUS

THE UNION OF INDIA AND OTHERS

RESPONDENTS

Mr.G.R.Syed, Advocate for the petitioner.

Mr.Bhushan B.Kulkarni, Standing Counsel for respondent No.1.

Mr.K.S.Hoke Patil, Advocate for respondent Nos. 2 to 4.

Mr.P.B.Paithankar, Advocate for respondent No.5.

Mr.V.G.Shelke, AGP for respondent Nos. 6 to 8.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 15/02/2016

PER COURT :

1. Mr.Syed, learned Advocate appearing on behalf of the petitioner makes a statement that the remainder amount of Rs.7,32,000/- approximately would be deposited with respondent No.2 / Authority within a period of 8 (eight) weeks from today. The petitioner is willing to appear before respondent No.2 on any date as may be indicated by this Court and will abide by further dates of hearing as may be granted by the learned Commissioner. The petitioner would extend co-operation to respondent No.2 and shall produce the documents as may be required so as to decide the issue u/s 7-Q r/w section 14-B afresh.

2. Mr.Hoke Patil learned Advocate appearing on behalf of respondent No.2 submits that if the remainder amount of Rs.7,32,000/- is deposited by the petitioner as stated, respondent No.2 shall give an opportunity of hearing to the petitioner and shall decide the issue u/s 7-Q and Section 14-B afresh. Mr.Patil further submits on instruction from the client present in the Court that a common order would be passed on the issue u/s 7-Q and 14-B.

3. Mr.Paithankar, learned Advocate appearing on behalf of respondent No.5 / Bank submits that respondent No.5 does not desire to precipitate the issue which was brought to the notice of this Court as recorded in paragraph No.3 of the order dated 09/02/2016. As such, in view of the said statement, the said aspect of the matter is not being gone into.

4. Considering the above, this petition is partly allowed and the impugned orders dated 12/06/2015 and 09/10/2015 are quashed and set aside on the following conditions :-

[a] The petitioner shall deposit the remainder amount of Rs.7,54,995/- in the light of the fact that an amount of Rs.18,68,574/- out of the recoverable amount of

Rs.26,23,569/- has already been deposited by respondent No.5 / Bank from the Bank account of the petitioner, with the respondent No.2 / Authority.

- [b] The abovesaid residual amount shall be deposited by the petitioner with respondent No.2 within 8 (eight) weeks from today and which shall be on or before 07/04/2016.
- [c] After the amount is so deposited, the petitioner shall appear before respondent No.2 on 13/04/2016 at 11.00 a.m. and shall abide by further dates of hearing as may be posted by respondent No.2.
- [d] The petitioner shall refrain from seeking unnecessary adjournments in the hearing before respondent No.2. The petitioner shall extend co-operation in the hearing before respondent No.2 and shall produce documents as may be required for the purposes of the hearing.
- [e] Respondent No.2 shall decide Section 7-Q and 14-B proceedings on their own merits and after the hearing in the matter is complete.
- [f] Respondent No.2 shall pass a reasoned order and shall communicate the same to the petitioner.
- [g] It is expected that respondent No.2 shall conclude the hearing in the matter and shall deliver its order as expeditiously as possible and preferably on or before 30/07/2016.
- (h) Needless to state, the amount of Rs.26,23,569/-, shall be subject to the fresh decision that may be arrived at by respondent No.2 u/s 7-Q and Section 14-B of the 1952 Act.

5. Needless to state, if the residual amount as recorded in clause No.1 hereinabove is not deposited by the petitioner within the time

frame, there shall be no opportunity of hearing that would be afforded to the petitioner and therefore the impugned orders set aside by this Court today shall stand restored and this order shall, then, stand recalled.

(RAVINDRA V. GHUGE, J.)