

AGK

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 3030 OF 2014**

Mrs. Jumana Vahanvati ...Petitioner
Versus
The State of Maharashtra, through the Principal ...Respondents
Secretary, Relief & Rehabilitation Department,
Mantralaya, Mumbai & 3 Ors.

Mr. Manish A. Malpani, with Mr. Tejas Luniya, for the Petitioner.
Mr. N.P. Pandit, AGP, for Respondent Nos. 1 to 4.

**CORAM: S.C. DHARMADHIKARI &
G.S. PATEL, JJ.
DATED: 8th January 2016**

PC:-

1. The Petitioner's refund claim having been rejected by the Respondents, this Writ Petition. The refund claim has been rejected by the communication at Exhibit "C" to the Petition.
2. At the hearing of this Petition, Mr. Pandit, learned AGP has produced a copy of the communication from the Chief Controlling Revenue Authority, Maharashtra State, Pune addressed to the Assistant Government Pleader, Mr. Pandit informing him that he should request this Court for a remand of the case back to the Authority and the Authority will not insist on its communication at

Exhibit “C” being upheld. The copy of the said communication is taken on record and marked “X” for identification.

3. In the light of this written instruction to Mr. Pandit, we quash and set aside the communication at Exhibit “C” and restore the refund claim to the file of the Chief Controlling Revenue Authority, Maharashtra State, Pune.

4. The refund claim shall be decided after giving a personal hearing to the Petitioner and with a speaking order. All contentions of the Petitioner and as raised in the Petition as well are kept open.

5. Needless to clarify that in the event of any adverse finding or order, the Petitioner can approach the Competent Court.

6. The Writ Petition is disposed of.

(G. S. PATEL, J.)

(S.C. DHARMADHIKARI, J.)