

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.2478/2016

Nagpur Sand Trading Pvt. Ltd., Nagpur through its authorized Director,
Mohammad Asif Shaikh

...Versus...

State of Maharashtra, In the Ministry of Revenue & Forest, Mantralaya,
Mumbai – 32 Through its Secretary and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri V.S. Kukday, Advocate for petitioner
Mrs. B.H. Dangre, GP for respondents

CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : 26.07.2016

After making several observations in our order dated 28.4.2016, we had asked the respondents to file a detailed reply by taking the note of the observations. We had found that the order of the Hon'ble Minister asking the refund of the amount to the petitioner was a non-speaking order and it had not recorded a single reason for directing the refund of the amount to the petitioner. We had also observed in the said order that though it was noted by the Secretary of the Revenue Department in the note-sheet that the claim of the petitioner cannot be accepted, the Hon'ble Minister had passed the order "refund the amount". The date on which the order, directing the refund was signed was also not mentioned. We had *prima facie* found, as is recorded in our order, dated 28.4.2016 that the Hon'ble Minister could not have passed the order of refund, on the application made by the petitioner.

Mrs. Dangre, the learned Government Pleader appearing on behalf of the respondents states that the Hon'ble Minister is ready to consider the application made by the petitioner and pass appropriate orders thereon. It is stated that it is stated in the affidavit-in-reply filed on behalf of the respondent no.1 on 8.7.2016 that the Department is proposing to review the order of the Hon'ble Minister directing the refund of the amount after consulting the Law and Judiciary Department. It is stated that in the circumstances of the case, a fresh decision in the matter of grant of refund to the petitioner would be rendered by the Hon'ble Minister.

Shri Kukday, the learned Counsel for the petitioner states, on instructions from the petitioner, who is present in the Court today, that the petitioner would have no grievance, if the claim of the petitioner for refund is reconsidered by the Hon'ble Minister and an appropriate order is passed.

By accepting the statement made on behalf of the respondents, we dispose of the writ petition with a direction to the Hon'ble Minister to decide the application of the petitioner for refund of the amount as early as possible and positively within three months. Since the application appears to be vague, at the request of the learned Counsel for the petitioner, we permit the petitioner to make a fresh application with the necessary data.

Order accordingly. No costs.

JUDGE

JUDGE

CERTIFICATE

I certify that this order uploaded is a true and correct copy of original signed order.

Uploaded by : S.S. Wadkar, P.S.

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