

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2265 OF 2015

MAHARASHTRA STATE ELECTRICITY
TRANSMISSION COMPANY LTD.

VERSUS

THE TAHSILDAR, AHMEDPUR, LATUR
AND ANOTHER

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Advocate for Petitioner : Shri Adwant S.V.
AGP for Respondents : Shri Tambe S.K.

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CORAM : RAVINDRA V. GHUGE, J.

Dated: September 14, 2017

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PER COURT :-

1. Having considered the brief submissions of the learned Advocates for the respective sides and having perused the affidavit-in-reply filed by respondents 1 and 2, dated 27.8.2017, I find that the ends of justice would be met by directing the petitioner to deposit the residual amount as is indicated by the notice dated 5.11.2014 and the parties would then proceed with the hearing before the Collector, Latur.

2. The notice as on 5.11.2014 indicates arrears of taxes for an amount of Rs.41,85,600/- i.e. alleged to be payable by the petitioner. The petitioner has already deposited Rs.25,00,000/- in this Court under the order dated 3.3.2015. The said amount

has been withdrawn by the State authorities.

3. Considering the above, the petitioner shall now deposit an amount of Rs.17,00,000/- with the Collector, Latur within a period of four weeks from today. On the said condition of deposit, the protection granted earlier would continue till the hearing before the Collector, Latur would be concluded pursuant to the directions of the Additional Commissioner dated 7.8.2013.

4. The petitioner shall appear before the Collector, Latur on 3.10.2017 at 2.00 pm. Notice need not be issued by the Collector. All contentions of the litigating sides are kept open and they are at liberty to file their affidavits and written notes of arguments, if so advised. They shall abide by the dates of hearing on which the matter would be posted by the Collector, who shall endeavour to decide the said proceedings within a period of three months from the date of appearance of the parties.

5. The petitioner shall not seek extension of time for depositing the amount before the Collector and failure to deposit the said amount shall result in the vacation of the interim protection granted by this Court. If the amount is so deposited, the protection against further recovery would be continued till

the Collector, Latur decides the proceedings.

6. The litigating sides are precluded from seeking adjournments on unreasonable and trivial grounds and the Collector may refuse the adjournments, if based on such grounds.

7. The Writ Petition is accordingly disposed off, in the above terms.

(RAVINDRA V. GHUGE, J.)

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