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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 3449 of 2016.

The Excelsior Education Society Petitioner.
Vs
The District Collector Thane & Anr Respondents.

Mr. M.A. Chaudhari for the petitioner.
Mr. O.A. Kulkarni, AGP for Respondent Nos. 1 and 2.

CORAM: NARESH H. PATIL &

SMT. BHARATI H.DANGRE, JJ.

DATE : 5th June, 2017.

P.C.

1) By communication dated 24th June, 2013 the petitioner submitted a representation to the Collector (Exh. "K" annexed to the petition) intimating that against the lease amount of the subject plot the petitioner would deposit the same along with compound interest of simple interest. The petitioner had kept its right to contest the demand towards the compound interest open.

2) This petition was filed in the year 2016 seeking the following relief:

"b" After examining the validity and legality of the same, by appropriate writ and/or declarations from this Hon'ble Court kindly be declared that respondent authorities are not entitled to levy

compound rate of interest as it is illegal in the case of petitioner and compound interest wrongly applied to the case of petitioner is not binding upon him.”

3) It is submitted that thereafter the petitioner filed this petition. No representation has been filed to the concerned Authority or the higher authority in respect of the subject matter of this petition.

4) Considering the facts of the case, we are of the view that the petitioner may resort to alternate remedy as permissible in law including the filing of a comprehensive representation to the higher authority or the same authority in respect of the demand made by the petitioner regarding compound interest said to have been deposited by the petitioner. All issues on merits are kept open.

5) If such a representation is received the concerned Authority would deal with and dispose of the same in accordance with law by passing a brief reasoned order within three months from the date of receipt of this order. Writ petition is disposed of.

(SMT. BHARATI H. DANGRE,J)

(NARESH H.PATIL,J)