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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 6803 OF 2017

Shri Swami Samarth Enterprises ... Petitioner
Vs.
The State of Maharashtra & Ors. ... Respondents

Mr. S. M. Sabrad, for the Petitioner.

Mr. S. B. Kalel, AGP for the Respondent - State.

CORAM : SHANTANU S. KEMKAR &
Smt. ANUJA PRABHUDESAI, JJ.

DATE : SEPTEMBER 15, 2017

PC :

1. Upon praecipe, matter is listed today on the production board.
2. The grievance of the Petitioner is that though in pursuance of order dated 25.2.2016 it has submitted an application seeking refund of the amount as directed by Respondent No.1, but till date its application (Exhibit D) has not been considered and decided and the amount has not been refunded.

3. Without commenting upon merits of the case, we dispose of the petition directing Respondent No. 1 to take an appropriate decision on the Petitioner's representation / application dated 9.8.2016 (Exhibit D) on its own merits and in accordance with law, and in case there is no legal impediment for refund of the amount, the amount mentioned in the order dated 25th February, 2016 be refunded to the Petitioner.

4. This exercise shall be completed by Respondent No. 1 within a period of three months from the date of receipt of the copy of this order.

5. Needless to say that we are not commenting upon the Petitioner's entitlement about the grant of alternate site, but we have issued this direction only in terms of the order dated 25th February, 2016 for refund of the amount to the Petitioner.

6. Writ petition is accordingly disposed of in the aforesaid terms.

Sd/-

[Smt. ANUJA PRABHUDESAI, J.]

Sd/-

[SHANTANU S. KEMKAR, J.]