

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6606 OF 2017

ISMT Ltd.

... Petitioner.

V/s.

**Gram Panchayat, Jejuri Kovihi,
Dist. Pune and Ors.**

... Respondents

Mr. R.D. Soni i/b M/s. Ram & Co. for the Petitioner.

Mr. A.A. Alaspurkar, AGP for the the Respondent/State.

CORAM : A.S.OKA &

SMT. VIBHA KANKANWADI, JJ.

DATE : 22nd JUNE, 2017

P.C.:

. Not on board. Taken on Board.

2 The learned Counsel appearing for the Petitioner has tendered across the bar a letter dated 20th June, 2017 addressed to the Sarpanch of the village panchayat enclosing therewith a cheque of Rs.16,74,468/-. He states that the amount has been deposited under protest.

3 The Petitioner Company has filed an Appeal on 16th November 2016 with the State Government, a copy of which at the Exhibit I to the petition. We have perused the same. There is no provision for filing an Appeal before the State Government, but from the contents of the Appeal, it appears that the Petitioner has invoked the powers of the State Government under Sub-Section 6 of Section 124 of the Maharashtra Village Panchayats Act, 1958.

4 In view of pendency of the said Appeal and the statement made regarding deposit of the demanded amount of tax, we need not keep the petition pending and the same is disposed of by passing following order:-

ORDER

- 1) As the date of hearing of the Appeal is fixed on 23rd June, 2017 at 3.00 p.m., it is not necessary to issue a direction regarding fixing of date;
- 2) The Appeal (Exh. T to the petition) filed by the Petitioner shall be treated as an Application under Sub-Section 6 of Section 124 of the Maharashtra Village Panchayats Act, 1958 and shall be decided as expeditiously as possible and preferably within a period of two months from 23rd June, 2017;
- 3) We make it clear that the Appeal/Application shall be heard only if the Petitioner produces documents before the Concerned Authority to show that the cheque in the sum of Rs.16,74,468/- handed over to the village panchayat has been honoured;
- 4) All contentions on merits are kept open;
- 5) Writ Petition is disposed of on above terms.

(SMT. VIBHA KANKANWADI, J.)

(A.S.OKA, J.)