

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7166 OF 2016

The Maharashtra State Co-operative Bank Ltd. .. Petitioner

Vs

Commissioner of Sugar and Others. .. Respondents

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Shri G.S. Godbole i/b Shri Sumit S. Kothari for the Petitioner.

Ms. Aparna Vhatkar, AGP for the Respondent No.1.

Shri Surel S.Shah for the Respondent No.3.

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CORAM : A.S. OKA & A.K. MENON, JJ

DATED : 17TH APRIL 2017

PC.

1. The learned counsel appearing for th Petitioner states that as far as the Prayer Clause (b-1) is concerned, he will make an Application to the Tahsildar, Karmala, District Solapur for refund of the amount of Rs.11,42,400/-. As far as the Prayer Clause (b-2) is concerned, he states that as of today, there is no restraint which prevents the Petitioner and the third Respondent from selling the entire stock of sugar. As far as the Prayer Clauses (a) and (b) are concerned, in view of the orders dated 17th January 2017 and 17th March 2017 passed by the State Government, the said prayers do not survive. He, therefore, seeks permission to withdraw the Petition.

2. Hence, we dispose of the Petition by passing the following order:-

ORDER :

- (a) The Petition is dismissed as withdrawn with liberty to the Petitioner to apply for refund of the sum of Rs.11,42,400/- to the Tahsildar, Karmala, District Solapur. If such an Application is made by the Petitioner, the Tahsildar shall decide the same in accordance with law within a period of two months from the date on which such Application is made;
- (b) We clarify that we have not made any adjudication on the question whether the Petitioner and the third Respondent are entitled to sell the entire stock of the sugar;
- (c) All contentions in that behalf are kept open;
- (d) Civil Application does not survive and the same is disposed of.

(A.K. MENON, J)

(A.S. OKA, J)