

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13337 OF 2016**

Shri Sheetalkumar R. Patani

..Petitioner

Vs.

**The Additional Collector,
Mining Department, Nashik & ors**

..Respondents

**Mr. S. K. Shinde i/b Mr. A. J. Jaibhave for the Petitioner
Mrs. V. S. Nimbalkar AGP for the Respondents**

**CORAM : R. M. SAVANT, J.
DATE : 19th JANUARY, 2017**

P.C.

1 The order impugned is one dated 30-6-2016 passed by the Additional Collector, Nashik, by the said order the show cause notice issued to the Petitioner came to be confirmed and the Petitioner was held liable to payment of penalty of Rs.49,05,984/-. The reasons why the penalty was required to be imposed on the Petitioner are mentioned in the said order.

2 The Learned Counsel for the Petitioner had filed an Appeal against the order before the Divisional Commissioner, Nashik. The Learned Counsel on instructions further makes a statement that the Petitioner would deposit 25% of the amount covered by the said order dated 30-6-2016 within two weeks from date. On such amount being deposited, the Appeal can be proceeded for hearing. It is the contention of the Petitioner that though show cause notice was issued to the Petitioner, in the impugned order a mention is

also made of one Shrihari Metals. It was the submission of the Learned Counsel for the Petitioner, that the Petitioner has nothing to do with the said Shrihari Metals and therefore the authorities were obliged to bifurcate the amount demanded, between the Petitioner and the said Shrihari Metals which has not been done. The said contention can be urged by the Petitioner before the Appellate Authority, if the Appeal is to be proceeded with. If the deposit is made as per the statement made by the Learned Counsel for the Petitioner, the Appellate Authority may dispose of the said Appeal latest by 15-3-2017.

3 With the aforesaid directions, the Writ Petition is disposed of.

[R.M.SAVANT, J]