

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CAW NO. 1468/2017 AND WRIT PETITION NO. 4050 OF 2017

(Jai Bhavani Fisheries Co-operative Society Limited, Singaon thr. Vilas Kautikrao Rokade vs. State of Maharashtra thr. its Secretary, Department of Fisheries and Animal Husbandry & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
ROHIT B. DEO, JJ.
JULY 19, 2017.**

Heard Shri A. M. Ghare, learned counsel for the petitioner - society and Ms. R.V. Kalia, learned AGP for the respondents.

2. The petitioner has pointed out that earlier policy decision dated 26.06.2014, on the basis of which the petitioner invested the amount and was expecting automatic renewal of five years, has been amended by later Government Resolution dated 30.06.2017. Shri Ghare, learned counsel submits that though other modalities remain the same, the investment limit has been now hiked to Rs. 50 lakh. He contends that at the relevant time, when the petitioner was holding lease, the limit was Rs. 40 lakh, therefore, new limit cannot be enforced in their case.

3. Ms. Kalia, learned AGP submits that as notice in the matter was issued only on 30.06.2017, she is still awaiting instructions.

4. Shri Ghare, learned counsel submits that as tank is lying unattended after 30.06.2017, fishes put therein by the petitioner are being stolen.

5. 30th June 2017 was the last date of the tenure of lease enjoyed by the petitioner. The petitioner has chosen to approach this Court on 29.06.2017 only.

6. Whether new Government Resolution would apply to them or not, is a disputed question. It appears that the proposal submitted by the petitioner - society for renewal on 13.01.2017, is still under consideration.

7. In this situation, without prejudice to any contentions and defences available to the respondents on law as also facts, we direct Respondent No. 2 to decide that proposal within three weeks from today.

8. Accordingly, writ petition as also civil application are disposed of. No order as to costs.

JUDGE

JUDGE

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