

**THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2290 OF 2006

M/s Shree Satpuda Tapi Parisar Sahkari
Sakhar Karkhana Ltd. Through its Chief
Accountant Kasinath Badhu Patil .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri J. R. Shah, Advocate for the Petitioner.
Shri N. T. Bhagat, A.G.P. for Respondent Nos. 1 to 6.

**CORAM : S. V. GANGAPURWALA AND
S. M. GAVHANE, JJ.**

DATE : 23RD AUGUST, 2018.

FINAL ORDER :

. The petitioner assails quarterly demand towards supervision charges purportedly for the period 01.04.2005 to 30.06.2005, 01.07.2005 to 30.09.2005, 01.10.2005 to 31.12.2005 and 01.01.2006 to 31.03.2006.

2. Mr. Shah, the learned counsel for the petitioner submits that, one Mr. Ahire was supervisory officer. He died, still the demands are raised in his name on account of supervisory charges. There was no other person incharge for supervision, nor any other person of the department attended the premises of the

petitioner, still the supervision charges are being levied. The learned counsel submits that, in the affidavit also no supporting documents are filed by respondents to substantiate that the persons named by respondents were entrusted with the job of supervising the petitioner's premises.

3. The learned Assistant Government Pleader for respondents submits that, though Mr. Ahire had died, the work of supervision had not stopped. One Mr. Chakor, who was Sub Inspector had worked for April 2005 to June 2005 and again from February 2006 and March 2006. Other five persons were working from April 2005 to June 2006 and the department had made calculations considering these aspects and demand notices are sent to the petitioner.

4. We have considered the arguments canvassed by the learned counsel for respective parties.

5. The petitioner has deposited the amount as per the demand notices.

6. It is stated that, earlier one Mr. Ahire was working. After his death Mr. Chakor, who was Sub Inspector has worked for the period April 2005 to June 2005 and again from February 2006 and March 2006. So also other five persons were working from

April 2005 to June 2006. It is further stated on oath that, when the earlier officer was transferred to Aurangabad, his charge was handed over to other officer from time to time. The concerned officers were handed over the charge of the petitioner factory.

7. In absence of any malafides, it would not be appropriate to disbelieve the affidavit filed by respondents. The dispute is for a limited period. Considering the affidavit filed by the respondents/State, we are not inclined to accept the contention of the petitioner.

8. The writ petition as such is disposed of. No costs. Rule discharged.

[S. M. GAVHANE, J.]

[S. V. GANGAPURWALA, J.]

bsb/Aug. 18

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