

“7. I say and submit that the Water Resources Department is in the process of framing a policy for desilting of big Dam Projects. As any excavation from submergence areas of Dams is proposed to be done as per such policy, the Water Resources Department has objected to auction process of sand ghats, which are in the submergence area of Ujani Dam and informed the Collectors concerned not to proceed with sand ghat auctions in this area. As the said sand ghat of village Kumbhargaon from where the Petitioner has been allowed to excavate sand vide order dated 25-06-2015 of the Hon'ble Minister (Revenue), falls in the submergence area of Ujani Dam, it is not possible as of today to allow the Petitioner to excavate sand from the said sand ghat, considering the objection of the Water Resources Department. A copy of letter dated 10/11/2016 of the Water Resources Department is annexed hereto and marked as Exhibit-B.

8. I say and submit that from the facts mentioned in above paras, it would be clear that this Respondent has not willfully disobeyed the order of this Court, but first, owing to denial of Environment Clearance for excavation of sand from the said Ghat during the year 2015-16 and thereafter objection of the Water Resources Department, the Petitioner could not be allowed to excavate sand from Kumbhargaon sand ghat. Considering this peculiar situation, this respondent submits that if this Hon'ble Court allows, the Government will scrutinize the proposal as per the policy of sand dated 12-03-2013 and the proportionate amount out

of the amount paid by the Petitioner will be refunded to the Petitioner for the unexcavated sand.” (emphasis supplied)

3. Learned Counsel for the Petitioner states that in view of the aforesaid statements made in Affidavit-in-Reply of the Deputy Secretary, Revenue & Forest Department for refund of the amount to the Petitioner, the Petitioner is not pressing for any action for contempt. It is noticed that even in the Appeal filed before the Minister, the alternate relief was for refund of the amount.

4. In the circumstances, we dispose of the Contempt Petition by accepting the statement made in paragraph 8 of the Affidavit that the amount of unexcavated sand (which, as stated in the order of the Minister, is 2462 brass of sand) shall be refunded. We direct that the said amount alongwith interest @ 7% p.a., from 26-06-2015 till repayment, shall be paid to the Petitioner within a period of six weeks from today.

5. List the Contempt Petition for reporting compliance on 11 February 2019 under the caption “for direction”.

(N. J. JAMADAR,J.)

(A.A.SAYED, J.)