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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14109 OF 2017

M/s. Chaphalkar Brothers, Pune ...Petitioner

V/s.

The Minister (Revenue)  
Mantralaya, Mumbai & Ors ...Respondents

ALONGWITH  
WRIT PETITION NO. 14110 OF 2017

M/s. Karandikar Enterprises ...Petitioner

V/s.

The Minister (Revenue)  
Mantralaya, Mumbai & Ors ...Respondents

WITH  
WRIT PETITION (ST) NO.35518 OF 2017

M/s. Chaphalkar Brothers, Pune ...Petitioner

V/s.

The Minister (Revenue)  
Mantralaya, Mumbai & Ors ...Respondents

Mr. A.M. Kulkarni for the Petitioner.  
Mr. S.D. Rayrikar, AGP for the Respondent Nos.1 to 4.

**CORAM : R.D. DHANUKA, J.**  
**DATE : 31ST JANUARY, 2018.**

**P.C. :-**

1. Rule.
2. Learned AGP waives service for respondent no.1 to 4. By consent of parties the matter is heard finally.
3. Mr. Kulkarni, learned counsel for the petitioner invited my attention to the order dated 21<sup>st</sup> December, 2017 passed by a Division Bench of this Court in Writ Petition No. 13926 of 2017 between Inox Leisure Limited and State of Maharashtra & Ors. The facts of this case are identical to the facts before this Court in the said Writ Petition No. 13926 of 2017. Identical order can be passed by this Court in these petitions also.
4. Impugned orders and notice on demand described in prayer clause (b) of the petition are set aside. The matter is relegated as an Appellate Authority to the Principal Secretary in the Department of Revenue and Forest, Government of Maharashtra to decide the subject appeal of the petitioners on its own merits. All contentions of both the parties on merits of the appeal are kept open. The Appellate Authority shall give atleast 10 days advance notice of hearing to the petitioners.
5. The appellate authority shall decide the matter afresh and in accordance of law without being influenced by the observations made and conclusions drawn in the impugned orders and the notices

issued.

6. Rule is made absolute in the aforesaid terms. Parties as well as Appellate Authority to act on the authenticated copy of this order.

**(R.D. DHANUKA, J.)**