

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

948 WRIT PETITION NO.5281 OF 2019

SWAMI SAMARTH ENTERPRISES THROUGH PROPRIETOR
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...
Mr. V.D.Hon (Sr.Counsel) i/b Mr. A.V.Hon, Advocate for
Petitioner.
Mr. S.G.Karlekar, AGP for Respondents-State
...

**CORAM : S.V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 6th June, 2019

PER COURT :-

1. We have heard Mr. Hon, the learned Senior Counsel for the petitioner and Mr. Karlekar, the learned AGP for the respondents.
2. The application is filed by the petitioner for refund of the amount of the contract for excavation of sand. It is submitted that the petitioner could not excavate the sand because of opposition by the villagers. Even the Hon'ble Minister had directed to give alternate spot. The same also was not given. The application for refund of the amount is made to Respondent No.1, the same is not decided.

3. In case, the application is filed by the petitioner for refund of the amount (Exh 'T' Page 37), then the Respondent No.1 shall take decision upon it on its own merits in accordance with law expeditiously, preferably within four months.

4. The Writ Petition is disposed of. No costs.

(MANGESH S. PATIL, J.) (S.V. GANGAPURWALA, J.)

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vmk/-