

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8038 OF 2019
WITH
WRIT PETITION NO. 8039 OF 2019
WITH
WRIT PETITION NO. 8040 OF 2019
WITH
WRIT PETITION NO. 8083 OF 2019

The Chief Officer,
Municipal Council, Osmanabad
Tq. & Dist. Osmanabad

.....Petitioner

Versus

The State of Maharashtra
Through its Secretary,
Urban Development Department,
Mantralaya, Mumbai-32 and others

.....Respondents

.....

Mr. Vivek Deshmukh, Advocate for petitioner
Mr. S. S. Dande, Assistant Government Pleader for respondents
no. 1 to 4
Mr. S. G. Chapalgaonkar, Advocate for respondent no. 5

.....

CORAM: SUNIL P. DESHMUKH &
S. M. GAVHANE, JJ.

DATE: 2nd August, 2019

ORDER :

1. Heard learned counsel for appearing parties.
2. It appears that in the original applications filed by present respondent no. 5, the Maharashtra Administrative Tribunal had vide order dated 7th February, 2019, directed respondents no. 1 to 3 therein to deposit costs of Rs. 10,000/- each and granted last chance to file affidavit in reply. It further appears that vide order dated 5th March, 2019, the Tribunal had enhanced the amount of costs to be deposited by respondents no. 1 to 3 Rs. 20,000/- each. However, vide order dated 30th March, 2019, the Tribunal has observed that respondents no. 1 to 3 and 5 have failed to deposit the amount of costs.
3. It further appears that by filing Miscellaneous Applications, present petitioners – original respondent no.5 had requested the Tribunal to recall order dated 30th March,

2019 implying imposition of costs on respondent no. 5. However, vide order dated 11th April, 2019, Tribunal has dismissed the Miscellaneous Applications. As such, the petitioner is before this court.

4. After hearing learned counsel, it appears that though order dated 7th February, 2019 and 5th March, 2019 had not been passed against writ petitioner, in present matters, situation can be met with balancing the same, by reducing quantum of payment of enhanced costs as would be payable under order dated 30th March, 2019 on petitioner – original respondent no. 5 as it emerges from observations in impugned order dated 11th April, 2019 passed by the Member, (J), Maharashtra Administrative Tribunal, Aurangabad, the applicant in Miscellaneous Applications (Original respondent no. 5 – writ petitioner) is negligent in filing of affidavit in reply, despite time sought by him/her.

5. Therefore, in view of the same, it would be appropriate to modify the quantum of costs payable, to Rs.5000/- in each petition (original application) so far as present petitioner

(respondent no. 5 in original application) is concerned, with further modification that in the case of original respondent no. 5, recovery as directed under order dated 30th March, 2019 may not be insisted upon from the officer.

6. With aforesaid, writ petitions accordingly stand disposed of.

[S. M. GAVHANE]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE

vdK