

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

16 CIVIL APPLICATION NO.10436 OF 2019

IN

CIVIL APPLICATION ON.11674 OF 2018

IN

WRIT PETITION NO.9226 OF 2014

....

The Grampanchayat, Kumbhephal

.. Applicant

Versus

Wockhardt Infrastructure Development

Ltd & Ors

..Respondents

....

Shri V.D. Sapkal h/f. Shri D.R. Kale , Advocate for Applicant

AGP for Respondent – State : Shri P.G. Borade

SHRI S.V. Advant, Advocate for Respondent No.1

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CORAM : S V GANGAPURWALA & AVINASH G. GHAROTE, JJ.

Dated: November 05, 2019

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PER COURT :-

1. Mr. Sapkal, the learned counsel for the applicant submits that, the non-applicant no.1 has deposited 25% of the amount of the notice under challenge. The applicant be allowed to withdraw the same. The deposit was pursuant to the ad-interim order passed by this Court.

2. Shri Advant, the learned Advocate for the non-applicant no.1 submits that, the applicant does not have any authority to recover taxes, the same is against the scheme of SEZ introduced since the year 2005. The non-applicant no.1 has, today, filed civil

application challenging the rules authorizing the applicant to recover the taxes. The applicant does not have any power and authority to recover the taxes from the non-applicant no.1.

3. We have considered the submissions.

4. The petition is filed in the year 2014. By various civil applications, the non-applicant no.1 had challenged the subsequent demand notices issued. The amendment applications are allowed.

5. Pursuant to the stay sought by the non-applicant no.1 and pursuant to the directions issued by this Court, the non – applicant no.1 has deposited an amount of Rs.100 Lakhs, as per the order of this Court dtd.05.10.2018.

6. The applicant is a local self-government. In case the petition is allowed, it would not be difficult to recover the said amount. Keeping the amount in the court idle would be in nobody's interest. In light of the above, the applicant is allowed to withdraw Rs.100 lakhs deposited by non-applicant no.1 pursuant to the order of this Court dtd.05.10.2018. The said withdrawal of the amount is subject to the decision in writ petition.

7. Civil Application disposed of.

[AVINASH G. GHAROTE]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Gajanan