

Tauseef

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION STAMP NO.12373 OF 2019
IN
WRIT PETITION NO.7933 OF 2015**

Induri Farms Limited & Anr.Applicant

In the matter between:

Induri Farms Limited & Anr. ...Petitioners

V/S

State of Maharashtra & Ors.Respondents

...
Mr.Darius B. Shroff, Senior Counsel with Manik Joshi and
Adv.Ayush Agarwal I/b M/s.Crawford Bayley & Co. for the
Applicant.

Mr.S.L.Babar, AGP for the State-Respondents Nos.1 to 4.

...

**CORAM: A.A.SAYED &
R.I.CHAGLA, JJ.
DATE: 26 APRIL 2019**

P.C.:

1. This Civil Application is taken out by the Applicant/original
Petitioner in the Writ Petition which was disposed of on 29
January 2019 by passing the following order:

ORDER

i) The matter is remitted back to the Respondent No.2
Superintending Engineer, Pune Irrigation Division, Pune.

ii) Inasmuch as initial show cause notice does not cover the
issue of alleged sale of water by the Petitioners and unauthorized
consumption of water by Cadbury India Ltd., we grant liberty to

the Respondents to issue a supplementary show cause notice, if such show cause notice is not already issued. Learned AGP, on instructions, states that such show cause notice has already been issued on 23 May 2016.

iii) The Petitioners shall be heard on both show cause notices. The Petitioners are permitted to file Reply and/or Additional Reply to the show cause notices.

iv) The Petitioners shall be granted an opportunity of hearing in respect of both the show cause notices and the Respondent No.2 Superintending Engineer, shall take a decision afresh on the show cause notices expeditiously and in any event by 30 June 2019.

v) The amount already paid by the Petitioners to the Respondents under protest may be retained by them till the final decision on the show cause notices and the said amount shall be adjusted/refunded accordingly.

2. The Applicant/original Petitioner has now been issued a show cause notice dated 30.03.2019, wherein the Applicant has been asked to pay the arrears of water bills and has been threatened of disconnection of the water supply if the Applicant does not deposit the amount within 15 days. Inasmuch as the Applicant is to be heard on the show cause notices and the decision is to be taken by the end of 30.06.2019, we direct that no coercive steps

be taken against the Applicant/Original Petitioner until the final decision on the show cause notices.

3. Civil Application to stand disposed of accordingly.

(R. I. CHAGLA, J.)

(A.A.SAYED, J.)