

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8159 OF 2018

Irfan Abdulkadar Bahadur ... Petitioner
Versus
The State of Maharashtra and Ors. ... Respondents

Mr.Rahul Patil i/b. Mr.U.R.Mankapure for the Petitioner.
Mr.P.G.Sawant, AGP for the State.

CORAM : AKIL KURESHI &
S.J. KATHAWALLA, JJ.
DATE : 4TH JULY, 2019

P.C.:

1. The Petitioner has filed the present Petition seeking extension of tenure of Agreement for Excavation of sand executed by and between the Petitioner and Respondent No.1. In the alternative, Respondent No. 1 has also sought refund of the auction amount deposited by the Petitioner along with interest @ 18%.
2. Accordingly to the Petitioner, he is engaged in the business of sand excavation. In the year 2016-17, a Notification was issued by the State Government calling upon the interested persons for excavation of sand in different locations of Sangli District. One of such auction was notified on 18th October, 2016 pursuant to which, E-tenders were called for excavation of sand from various locations including the location at Monje Kasbanul, Taluka - Gadhinglaj, District - Kolhapur, Gat No. 546, Hiranyakeshi river. The Petitioner participated in the said bid by submitting E-tender.

The bid given by the Petitioner of Rs.42,55,400/- being the highest bid with regard to the said location was accepted. The Petitioner deposited the said amount with Respondent No.1. Pursuant thereto, the Petitioner was allowed to excavate sand from the said location. After the Petitioner started the work of excavation of sand, he received notice from the Collector and District Collector dated 21st April, 2017 directing the Petitioner to stop the excavation process in pursuance of the order of the National Green Tribunal, New Delhi dated 19th April, 2017. By the said Order, the National Green Tribunal had directed ban of excavation of sand through suction pump across the State of Maharashtra.

3. The learned Advocate appearing for the Petitioner has informed the Court that since the term of the Agreement was only for one year, the same has lapsed. The Petitioner shall now be pressing only for refund of the auction amount deposited by him with Respondent No.1 along with interest @18% per annum. He submits that the Petition be disposed of by issuing directions to Respondent No. 1 to consider his representation and pass appropriate orders for such refund. In the circumstances, we pass the following order :

i. In the event of the Petitioner filing an Application before the Principal Secretary, Revenue and Forest Department, seeking refund of the above stated amount within a period of two weeks from today, the said representation shall be disposed of by the said Authority within a period of three months from the date of receipt of the said representation.

- ii. All contentions of the Petitioner are kept open.
- 4. The above Writ Petition is accordingly disposed off.

(S.J.KATHAWALLA, J.)

(AKIL KURESHI, J.)