

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8164 OF 2018

Mohan Dhondiram Tavadar

... Petitioner

Versus

The State of Maharashtra & Ors.

... Respondents

Mr.Rahul Patil i/b. Mr. U.R.Mankapure for the Petitioner.

Ms.S.D.Vyas, B Panvel Counsel for Respondent Nos. 1 to 4.

CORAM : AKIL KURESHI &
S.J. KATHAWALLA, JJ.
DATE : 25TH JUNE, 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, the Respondent has also sought refund of the auction amount deposited by the Petitioner along with interest @ 18%.

2. According 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 such auction was filed on 18.10.2016 pursuant to which, E-tenders were called for excavation of sand from various locations including the location at Masuchiwadi, Tal. Walve, Gat No. 416-422, village Ankali, Tal : Miraj, Dist. Sangli, Krushna River. The petitioner participated in the said bid by submitting E-tender. The bid given by the Petitioner of Rs.1,05,35,352/- 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 21.4.2017 directing the Petitioner to stop the excavation process in pursuance of the order of the National Green Tribunal, New Delhi dated 19.4.2017. By the said order, National Green Tribunal had directed ban of excavation of sand through suction pump across the State of Maharashtra.

3. Learned Advocate for the Petitioner has informed the Court that the term of the agreement 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 Petition is accordingly disposed of.

(S.J.KATHAWALLA, J.)

(AKIL KURESHI, J.)