

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 257 OF 2015

Keystone Realtors Private Limited & anr.	Petitioners
V/S	
The State Of Maharashtra & Ors	Respondents

Mr. U. P. Warunjikar for the Petitioners.
Mr. A. L. Patki, AGP for the Respondents – State.

**CORAM : A. A. SAYED &
 PRAKASH D. NAIK, JJ.**
DATED : 25th September, 2019

P.C.:

On 13th July 2015 the following order was passed:

“The learned counsel for the Petitioners submitted that in view of the order passed by the Apex Court, the Government of Maharashtra has issued Notification dated 11th May, 2015 and Rule 46 has been amended. By virtue of the proviso to the said Rule, no royalty shall be required to be paid on earth which is extracted while developing a plot of land and utilized on the very same plot for land levelling or any work in the process of development of such plot.

2. The learned counsel for the Petitioner submitted that in view of this Notification, strictly speaking, nothing would survive. The learned counsel submitted that in view of unamended rules, he has deposited Rs.36,98,417/- and same will have to be refunded.

3. The learned Government Pleader seeks time.

4. Stand over to 27th July, 2015.

2. It is not disputed by learned AGP that the case of the Petitioners would be covered by the Notification dated 11th May, 2015.

3. In the circumstances, we allow the Petition in terms of prayer clause "D" which reads as follows:.

"Be pleased to issue the Writ of mandamus or Writ in the nature of Mandamus directing Respondents herein to refund the amount of Rs.36,98,417/- to the Petitioner No. 2 with such interest and within such period as this Hon'ble Court may deem fit and proper."

4. The Respondent Nos. 1 to 4 shall refund the amount of Rs.36,98,417/- along with interest @ 5% per annum from the date of deposit until the payment, within a period of two months from today. If the amount is not refunded within two months, the interest rate shall be 8%.

5. The Petition to stand disposed of in the aforesaid terms.

(PRAKASH D. NAIK,J.)

(A.A.SAYED, J.)