

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

WRIT PETITION NO. 3018 OF 2018

Sushil Ratanlal Morarka

.. Petitioner

Versus

The Collector of Mumbai

.. Respondent

-
- Mr. Ganesh Bhujbal for the Petitioner
 - Mr. Kedar Dighe, AGP for the State
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CORAM : AKIL KURESHI &
S.J. KATHAWALLA, JJ.

DATE : AUGUST 7, 2019.

P.C.:

1. The petitioner is a director of Private Limited Company. The company has unpaid dues of the workers. The case of the petitioner is that the State authorities are carrying out coercive recoveries of such dues from the petitioner in his personal capacity, though as a director of Limited Company, he has no personal liability. The petitioner has, therefore, made two fold prayers; first prayer is to prevent the respondents from threatening the petitioner with attachment of his personal properties and his second prayer is that a sum of Rs. 19 Lakhs which is already recovered from him in

cash and cheque be refunded.

2. As far as the first prayer is concerned, the same is premature in nature. Admittedly, no attachment order has been passed. Unless and until any order is passed by the authority, we would not examine the legality of any anticipated order. With respect to second prayer, there is nothing on record to suggest that the respondent collected the charges from the petitioner under any threat or coercion. If as a director of the company, the petitioner has made the payment, it would not be possible for us to ask the respondent to refund the same unless and until it is established that such amount is recovered through illegal means and coercion. In absence of any such evidence on record, this prayer is also not accepted.

3. Nothing prevents the petitioner from challenging the action or orders of the respondents in accordance with law as and when the same arises. As of now, the petition is premature. Dismissed.

[S.J. KATHAWALLA, J.]

[AKIL KURESHI, J]