

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.4228 OF 2020

SHIVAJI TULSHIRAM GUNDE
VERSUS
THE COLLECTOR AHMEDNAGAR AND OTHERS

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Advocate for the Petitioner : Shri Shinde Abasaheb D.
AGP for Respondents 1 to 3 : Shri S.W.Munde

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 19th March, 2020

Per Court:

1 The learned advocate for the petitioner has tendered a special circulation note listing out the reasons for urgent hearing in this matter.

2 I have heard the strenuous submissions of the learned advocate for the petitioner and the learned AGP on behalf of the respondents. With their assistance, I have gone through the petition paper book and have considered the six grounds formulated by the petitioner for challenging the impugned order.

3 The first Appellate Court, while dealing with Regular Civil Appeal No.44/2019 filed by the petitioner, has considered the application exhibit 11 vide order dated 06.03.2020 and has passed the following order :-

- "(i) *The application is allowed, as under :*
- (ii) *The respondent-State authorities are hereby temporarily restrained from acting upon the impugned notice/s till the hearing and final disposal of this appeal, subject to appellant's depositing 25% of the fine amounts of Rs.40,97,130/- and Rs.2,92,650/- in this Court within 15 days from today.*
- (iii) *If the appellant fails to deposit the amount as aforementioned, instant order shall stand vacated forthwith."*

4 The fine amount is approximately Rs.44 lakhs and the Trial Court has directed the petitioner to deposit 25% within 15 days and the said period expires tomorrow.

5 Notwithstanding the strenuous submissions of the learned advocate for the petitioner, I find that the Appellate Court has passed an equitable order, which cannot be branded as being perverse or erroneous. This Court can accede to the request of the petitioner only to the extent of extending the period upto 31.03.2020.

6 In view of the above, this Writ Petition is disposed off by extending the period of depositing Rs.11 lakhs by the petitioner before the Appellate Court on or before 31.03.2020, failing which, the protection granted by the Court below would not come into operation and the petitioner would be without any protection from 01.04.2020.