

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9263 OF 2019

Sandip S/o Balbhim Khote

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr Gaurav Deshpande, Advocate holding for
Mr A.A. Kokad, Advocate for Petitioner
Mrs M.A. Deshpande, Addl. G.P. for Respondent Nos. 1 to 6

**CORAM : S. V. GANGAPURWALA
AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 9th MARCH, 2020

PER COURT :

1. It is submitted by the learned Counsel for the petitioner that the petitioner has closed down his business. The revision is sought to be presented challenging the imposition of penalty.
2. We have heard the learned Counsel for the petitioner and the learned Additional Government Pleader.
3. The earlier revision filed by the petitioner was withdrawn. Subsequently, the petitioner filed writ petition before this Court bearing writ petition No. 1541/2017. The same came to be decided on 13th December, 2018. In para No. 6 of the said order, this Court observed that if the petitioner intends to file appropriate proceedings

before the State, the petitioner is free to do so and if such proceedings are initiated by the petitioner, the State will deal with the same strictly in accordance with law.

4. The stand of the respondents is that the petitioner had already filed the revision and the same is withdrawn. Now, no question arises of entertaining revision again.

5. The said argument certainly would be in tune with the procedural law. However, considering the observations made by the Division Bench of this Court under order dated 13th December, 2018 in Writ Petition No. 1541/2017 that the petitioner was permitted to take up appropriate proceedings to the State Government, we pass the following order :

The respondents may consider the revision filed by the petitioner on its own merits and take decision upon it, preferably within a period of six months after hearing the parties.

6. The learned Additional Government Pleader submits that pursuant to the order of this Court, the petitioner has deposited Rs. 1,00,000/-. The same be allowed to be withdrawn by respondent No. 3.

7. The amount deposited by the petitioner in this Court pursuant to the orders is allowed to be withdrawn by respondent No.

3. The said withdrawal would be without prejudice to the rights and contentions of the parties and subject to the decision in revision petition.

8. The writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.] [S.V. GANGAPURWALA, J.]

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