

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4579 OF 2019**

Soheb Shabbir Masani

.. Petitioner

Versus

State of Maharashtra through the
Govt. Pleader and anr

.. Respondents

...

Mr.Nirman Sharma, with Mr.Sachin Chowdhari I/b Dharam &
Co. for the petitioner.

Mr.Vikas Mali, AGP for the respondent State.

**CORAM: PRADEEP NANDRAJOG, C.J.
AND BHARATI DANGRE, J.**

DATED : 20th JANUARY, 2020.

P.C:-

1 Heard learned counsel for the parties.

2 The petitioner set up a factory at land comprised in
Gat No.402, Village Kanhey, Taluka Maval, District Pune. The
land being undulated required levelling and in the process soil,
sand and stones were excavated.

3 A unilateral order was passed by the Tahsildar
demanding ₹ 66,46,320/- as royalty and penalty which demand

Tilak

was reduced in Appeal by the Sub-divisional orders vide order dated 6th February 2019 to ₹ 33,20,000/-. The said order does not direct any interest to be paid on the demand.

4 The petitioner approached the Talathi and without prejudice tendered ₹ 33,20,000/- on 8th March 2019. The Talathi did not accept the amount tendered and proceeded to calculate interest on the sum of ₹ 33,20,000/- from the date when the alleged excavation was done.

5 Challenge is to the demand in sum of ₹66,43,320/- which has two components. The first is ₹ 33,20,000/- and the other is ₹ 33,23,320/- The first component is the sum directed to be paid by Sub-Divisional Officer and the second is interest for 11 years commencing from 28th January 2008. The interest has been computed @ 9.1% per annum.

6 Suffice it to state a demand has to be paid as per a judicial or a quasi judicial order passed. In the instant case, the quasi judicial order passed by the Sub-Divisional Officer does not require any interest to be paid. Further, unless a demand is quantified the same cannot be raised with any interest pre-quantification of the demand.

7 Writ Petition is accordingly disposed of quashing the demand letter dated 22nd March 2019. Since the respondents have accepted ₹ 33,20,000/- without prejudice, we declare that the said amount received would be in full and final satisfaction of the liability of the petitioner subject to further legal remedy which the petitioner has already availed.

SMT. BHARATI DANGRE, J

CHIEF JUSTICE