

(1)

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

921 WRIT PETITION NO.10742 OF 2021
WITH CA/10559/2021 IN WP/10742/2021

**PALAK BIODIESEL AND CHEMICAL, THROUGH ITS
MANAGER MANISH OMPRAKASH AGRAWAL
VERSUS
THE LD. COLLECTOR AND OTHERS**

...

Mr D. S. Bagul, Advocate for petitioner;
Mr P. S. Patil, A.G.P. for respondents/State;
Mr A. P. Bhandari, Advocate for Intervenor

**CORAM : RAVINDRA V. GHUGE
AND
S. G. MEHARE, JJ.**

DATE : 6th October, 2021

PER COURT:

1. Having considered the disputed question as to whether the petitioner was selling Bio-Diesel or lubricant, we have referred to the Government Resolution dated 11/05/2021, which provides for a statutory remedy for the petitioner to seek redressal. So also, the Hon'ble Apex Court has held in the matters of **Virudhunagar Hindu Nadargal Dharma Paribalana Sabai Vs. Tuticorin Educational Society, 2019 SCC Online SC 1292** and **Genpact Indian Private Limited Vs. Deputy Commissioner of Income Tax and others, (2019) 419 ITR 440**, that this Court should refrain from entertaining a petition when statutory remedy is available.

(2)

2. The learned Advocate for the petitioner submits on instructions, that the petitioner would immediately lodge a proceeding in the light of Clause 14 of the Government Resolution dated 11/05/2021 and since the petrol pump outlet has been sealed from 20/09/2021, the competent authority should decide the proceeding expeditiously.

3. In view of the above, this petition is disposed off with liberty to the petitioner to avail of the remedy as is provided for in Clause 14 of the State Government Resolution dated 11/05/2021. If such proceeding is initiated on or before 25/10/2021, the appropriate authority shall adjudicate upon the grievance of the petitioner, as expeditiously as possible and preferably, on or before 30/11/2021. In the event the petitioner prays for an interim order, the concerned authority may consider the same in accordance with the Rules and the law applicable.

4. Pending civil applications do not survive and the same stand disposed off.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

sjk