

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

**CIVIL APPLICATION NO. 13702 OF 2021
(FOR DELAY)
IN
REVIEW APPLICATION STAMP NO. 27541 OF 2021
IN
WRIT PETITION NO. 6456 OF 2021
WITH
REVIEW APPLICATION STAMP NO. 27541 OF 2021
IN
WRIT PETITION NO. 6456 OF 2021**

Shri Bhagwan Mahavir Bahuuddeshiya
Sevabhavi Sanstha Banoti through
Its Secretary .. Applicant

Versus

The State of Maharashtra and others .. Respondents

Shri N. E. Deshmukh, Advocate for the Applicant.
Shri S. K. Tambe, A.G.P. for the Respondent No. 1.

**CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.
DATE : 17TH DECEMBER, 2021.**

FINAL ORDER :

. We have considered the review application on merits itself.

2. Mr. Deshmukh, the learned advocate for the applicant submits that, there are two grounds on which this Court allowed the writ petition filed by the respondent No. 3 and set aside the letter of intent, (1) the land shown by the applicant in the proposal for the senior college is the one used for higher secondary school and (2) loan is obtained on fixed deposit receipts.

3. As far as first ground is concerned, Mr. Deshmukh, the learned advocate submits that, the area of land and the construction is sufficient to house the senior college also. The said aspect was not considered by this Court while passing the order under review. As far as fixed deposit is concerned, considering exigency the loan was obtained on the said F.D., however, subsequently the applicant has given undertaking to the university and has also given afresh fixed deposit.

4. We had interfered in the matter at the behest of the present respondent No. 3 basically on the ground that the applicant is required to give fixed deposits of Rs. 7,00,000/- with the university. The same is to demonstrate that the institution filing proposal for start of senior college is financially strong and has financial capacity to run the college. The applicant had also given undertaking to the university of keeping the fixed deposit intact. The applicant had discovered an ingenious way. The FD was given and subsequently, immediately obtained loan on the said fixed deposit. The very purpose of giving fixed deposit is frustrated by obtaining loan. It was in this circumstance, we had interfered in the matter.

5. In the light of the above, no case for review is made out. The review application along with civil application for condonation of delay is disposed of. No costs.