

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

WRIT PETITION NO.13878 OF 2021

PRAGATI CONSTRUCTION THROUGH ITS PROPRIETOR MR.
SANDIP UTTAMRAO NARWADE ..PETITIONER

VERSUS

STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

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Mr. S. G. Chapalgaonkar, Advocate for the
Petitioner.

Mr. D. R. Kale, Incharge Government Pleader for
Respondents-State.

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**CORAM : S. V. GANGAPURWALA &
S. G. DIGE, JJ.**

DATED : 13th DECEMBER, 2021.

PER COURT:-

1. Mr. Chapalgaonkar, learned counsel for the petitioner submits that, the petitioner was awarded sand spot for excavation pursuant to the E-tender notice issued in December 2020. The petitioner was allotted sand spot on 12.04.2021. The petitioner was allowed excavation of 3562 brass sand. The petitioner deposited Rs.65 lakhs. Due to the surge of Covid-19 pandemic, the petitioner could not excavate the sand. The petitioner could excavate only 180 brass of sand till 20.05.2021. The permission of the petitioner was upto 31.05.2021.

2. The learned counsel further submits that, on or about 08.04.2021 policy decision was taken by

the State Government under the Government Resolution dated 08.04.2021 extending the period of petitioner's license issued for excavation of minor minerals upto six months in case the period of license expires on 25.03.2020. The Collector was given authority to extend the period for further three months. As such, the petitioner had a right of extension. The petitioner approached the Collector for extension of period. The Collector rejected the application of the petitioner without considering the Government Resolution dated 08.04.2021. The very purpose of issuing the Government Resolution is frustrated by the order of the Collector. The Government was aware of the difficulties faced in excavation because of Covid-19 pandemic and as such, had taken policy decision extending the period by nine months. The Collector was supposed to implement the said decision in its true letters and spirits. On the contrary, the Collector in a mechanical manner has rejected the application.

3. We have heard learned A.G.P. for respondents.

4. It appears that, even the permission extended pursuant to the Government Resolution relied by the petitioner would come to an end by September 2021. More over, various other facets are required to be considered by the Collector while granting extension of time such as

environmental clearance, permission from the Geological Department, the availability of sand at the particular sand spot, the water level and all other aspect.

5. In light of that, now at this stage, it would not be possible to consider the request of the petitioner.

6. The petitioner may if so advised, apply for refund of the amount on account of non-excavation of sand. The respondents-Authorities shall consider the application of the petitioner for refund of the amount on its own merits, in accordance with law and policy, expeditiously and preferably within a period of four months from the date of application.

7. With these observations, writ petition is disposed of. No costs.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE