

2. Mr Patil states that the Petitioner will be filing a suit for appropriate relief from a Court of competent jurisdiction by 10th January 2022. Once that suit is instituted, the deposit made in this Court is to be transferred to local Civil Court to the credit of that particular suit and is to be invested in accordance with the practices of that local Court until further orders. In any such suit or proceedings the rival contentions are expressly kept open. It is at the time of determination of the Suit that the APMC may be required to give credit for the amount that has already been paid by the Petitioner to the APMC.

3. We clarify that we have expressed no opinion or view on the merits of the matter or the rival contentions, although we heard both sides for some time. The Petition is disposed of in these terms. There will be no order as to costs.

4. The previous interim relief will continue subject to that deposit being made by 23rd December 2021. If the deposit is not made the interim relief will stand vacated. The interim order will continue until 4th February 2022 subject to further orders that the Civil Court may pass in that suit or in any interim application. It is also clarified that the Respondent APMC will be at liberty to apply to that Court for leave to withdraw the whole or the part of the amount deposited.

5. In view of the filing of this Petition, the statutory notice under the APMC Act is waived by Mr Dani on instructions.

6. All concerned will act on production of a digitally signed copy of this order.

(Madhav J. Jamdar, J)

(G. S. Patel, J)