

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7719 OF 2021**

Dilip Buildcon Ltd.

... Petitioner

Versus

Tahsildar, Mohol and Ors.

... Respondents

Mr. Karl Tamboly with Mr. Anand Pai, Mr. Ativ Patel, Mr. Darshit Dave, Mr. Harshad Vyas i/by AVP Partners, for Petitioner.

Mrs. M.P.Thakur, AGP, for State.

Mr. Prakash Singh with Mr. Lakshmi Bussa i/by M/s. M.V.Kini and Co., for Respondent No.2.

**CORAM: S.J. KATHAWALLA &
MILIND N. JADHAV, JJ.**

DATE: 29th NOVEMBER, 2021

P.C.:

1. On 17th November, 2021 this Court passed the following order :

“By the above Writ Petition, the Petitioner has impugned the action of Respondent No.1 issuing a demand notice dated 29th September, 2021; publication notice dated 6th October, 2021; and notice dated 29th October, 2021 captioned ‘Warrant to withhold movable property’ alleging default in payment of Rs.46,52,96,000/- for alleged unauthorized excavation, within 10 days.

2. It is the case of the Petitioner that the Appeals impugning the demand notice dated 12th November, 2020 alongwith the stay applications are already filed before the Court of SDO at Pandharpur on 11th December, 2020. However, the same are not disposed off till date and instead the aforesaid proceedings impugned in the above Writ Petition, have been instituted.

3. The Learned AGP states on instructions from Shri Prashant Bedse, Tahsildar, Mohol, Solapur that the SDO, Pandharpur shall give a hearing to the Petitioner on 18th November, 2021 at 2.30 p.m. on the stay application

filed by them and decide the said application at the earliest. The parties shall appear before the SDO, Pandharpur on 18th November, 2021 at 2.30 p.m. and make their submissions. They shall be at liberty to file their written submissions if any, before the SDO, Pandharpur. The SDO, Pandharpur shall pass a speaking Order by 22nd November, 2021 on the stay application. In the event of the Order passed by the SDO, Pandharpur being against the Petitioner, the same shall not be implemented for a period of one week from the date of service of the Order on the Petitioner.

4. Stand over to 29th November, 2021, High on Board.”

2. Pursuant to the said order, the Sub-Divisional Officer, Pandharpur has heard the interim application filed by the Petitioner and has stayed the demand notice until he finally hears and decides the Appeal filed by the Petitioner. In view thereof, the following order is passed :

(i) The Sub-Divisional Officer, Pandharpur, shall hear the Appeal filed by the Petitioner impugning the demand notice dated 12th November, 2020 in accordance with law within a period of six weeks from today.

(ii) All contentions of the parties are kept open.

(iii) In the event of the order being against the Petitioner, the demand notice shall not be implemented for a period of one week from the date of service of the order on the Petitioner and/or their Advocates.

(iv) The Writ Petition is accordingly disposed of.

(MILIND N. JADHAV, J.)

(S.J.KATHAWALLA, J.)