

Basavraj
G. Patil

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Basavraj G. Patil
Date: 2021.02.20
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION

WRIT PETITION NO.215/2021

Mayuresh Enterprises

..... Petitioner

Vs.

State of Maharashtra & Ors.

..... Respondents

Mr. Suresh M. Sabrad a/w. Neha Parte for the Petitioner
Mrs. P.J.Gavhane, AGP for the State

**CORAM: K.K.TATED &
RIYAZ I. CHAGLA, JJ.**

DATED : FEBRUARY 17, 2021

P.C.

1 Heard.

2 Rule.

By consent of the parties, Rule is made returnable
forthwith.

3 By this Petition under Article 226 of the Constitution
of India, the Petitioner is seeking direction against the
Respondent to refund sum of Rs.30,40,140/- deposited by
the Petitioner in lieu of the auction held in respect of the site
at Bhabulsar, Tq. Shirur, Dist. Pune with interest @ 12% p.a.

4 The learned AGP for the Respondent submits that an
appeal is pending before Respondent No.1 under Section 33
and 37 of the Bombay Minor Mineral Extraction Rules,

1955, for the same cause of action. He submits that said appeal was filed on 07.07.2015.

5 Considering the submissions made by the learned counsel for the Petitioner and as an appeal is pending before Respondent No.1 for the same cause of action, the Writ Petition can be disposed of with direction to Respondent to decide the same as early as possible on its own merits.

6 Hence, the following order is passed:

- a. The Respondent No.1 to decide the Petitioner's appeal dated 07.07.2015 filed under section 33 and 37 of the Bombay Minor Mineral Extraction Rules, 1955 on its own merits, as early as possible, but in any case, on or before 23.04.2021, after hearing all the parties and communicate the order to the parties, in writing.
- b. All contentions of the parties are kept open.
- c. The Writ Petition stands disposed of accordingly.
- d. No order as to costs.
- e. The learned AGP is directed to inform the concerned Officer to fix a date of hearing, immediately and inform the same to the Petitioner or their Advocate on record in the High Court.

(RIYAZ I. CHAGLA, J.)

(K.K.TATED, J.)