

Ashwini

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3474 OF 2021
WITH
INTERIM APPLICATION NO. 1594 OF 2021
(Not on board)

Shembekar Industries ...Petitioner
Versus
The Additional Collector and Competent ...Respondents
Authority Pune Urban Agglomeration & Ors

Mr TD Deshmukh, for the Petitioner.
Mr SS Panchpor, AGP, for Respondents Nos. 1 to 3.

CORAM G.S. Patel &
Madhav J. Jamdar, JJ.
DATED: 6th December 2021

PC:-

1. The Petition can be disposed of with a brief direction in view of the statement made on behalf of the Petitioner. The statement is that the Petitioner does not at present propose to develop the whole of the land exempted under the ULC Act, but confines himself to the retainable land and a small portion of the exempted land.

2. The Petitioner has made a deposit under protest of Rs. 3,83,52,515/- with the Respondents on their demand for a 15%

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premium for the entirety of the retainable/retention land and part of the exempted land.

3. It is open to the Petitioner to make an application to the Respondents for a refund (including with interest) of the whole or any part of the deposit made under protest. That application will be considered on its merits. We clarify that we have not examined the rival merits in this matter. Further, any such application will be decided without being influenced by the impugned order at Exhibit-M dated 10th June 2019.

4. Obviously, to process the application, the authority will need to demarcate the retainable land and the exempted land because otherwise it is not possible to identify which portion falls in which category. This necessarily affects the Petitioner's application for a refund. The Petitioner will include a prayer for demarcation and which is also to be considered on merits by the Respondents.

5. The Petition is disposed of in these terms. There will be no order as to costs.

6. The IA is infructuous and is disposed of accordingly.

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

(Madhav J. Jamdar, J)

(G. S. Patel, J)