

Ashwini

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2077 OF 2020

Vasantrao Naik Bhatkya Vimukth Jamati Sahakari, ...Petitioner
Suthgirn Niyamit Solapur

Versus

The State of Maharashtra through Department of ...Respondents
Textile & Anr

Mr Umesh R Mankapure, for the Petitioner.

Mr RP Kadam, AGP, for State/Respondents Nos. 1 & 2.

CORAM: G.S. Patel &
Madhav J. Jamdar, JJ.
DATED: 23rd November 2021

PC:-

1. On instructions, Mr Mankapure for the Petitioner makes the following statements: (i) that his clients will apply to the government for either an “exit” i.e., a return of all government aid or funding received up-to-date amounting to roughly Rs. 11.44 crores together with interest at the rate received by the Petitioner on investment i.e., 10.5% per annum from the date of receipt of funding from the Government; (ii) Simultaneously, the Petitioner may also seek re-registration or the transfer of the site of the Petitioner’s spinning mill within the Solapur district (but not outside the Solapur district).

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2. The Respondent No. 2, the director of textiles at Nagpur, will consider the representation in terms of (ii) above and, after affording the Petitioner an opportunity of a personal hearing, pass a reasoned order thereon within six weeks of the date of the application being made. Mr Mankapure says that the necessary application will be made by 13th December 2021.

3. In the order that the 2nd Respondent passes, if the 2nd Respondent is inclined to accept the representation made by the Petitioners, the 2nd Respondent may provide a time within which the Petitioner must identify an alternative suitable site within Solapur district and time within which it must obtain the necessary permissions.

4. If the 2nd Respondent accepts the Petitioners' proposal for an exit, the Petitioners will be given a leeway or grace period of three weeks to make the necessary payment. In order to enable the payment, the Respondents will need to de-freeze the Petitioner's account(s). This is a necessary consequence of accepting the exit proposal to begin with.

5. We accept these statements.

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

7. We make it clear that we have not examined the rival contentions on merits.

8. In the meantime, in view of this order, no coercive action will be taken against the Petitioner until the disposal of the proposal(s) to be made by the Petitioners.

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

(Madhav J. Jamdar, J)

(G. S. Patel, J)