

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAW) NO.962/2021 IN WRIT PETITION NO.6691/2016

M/S. Ultratech Cement Limited Through its Authorized Person Shri Bade
Pollaiyya Reddy

...Versus...

Gram Panchayat, Alagondi, Tahsil Nagpur (Gramin) District Nagpur, through its
Sarpanch and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Ms Bhagyashri V. Reddy, Advocate for petitioner
Shri N.P. Meshram, Advocate for respondent no.1
Shri S.M. Ukey, Addl. G.P for respondent nos.3 and 4

CORAM : AVINASH G. GHAROTE, J.

DATE : 12/08/2021

1. By an order dated 13/3/2020, the Gram Panchayat was permitted to withdraw an amount of Rs.10,00,000/- deposited by the petitioner, subject to an undertaking to be furnished, as indicated in the above order. When the Sarpanch of the Gram Panchayat i.e. respondent no.1 went to the Registrar (Judicial) with the undertaking, upon certain questions put to her, which she was unable to answer, the Registrar (Judicial), made a noting that the undertaking is rejected as the Sarpanch of the Gram Panchayat could not even tell what the amount is and how much it is, as also, what undertaking is given, which noting is dated 5/2/2021.

2. Learned Counsel for the respondent no.1 submits that the Sarpanch is a lady, who has studied only up to 4th standard and therefore was unable to understand, the nature and import of the questions, in view of which, this application has been filed for a direction to the Registry to reconsider the undertaking.

3. The direction to make the payment is already contained in the order dated 13/3/2020, in view of which, the respondent no.1, is entitled to the amount. If for any reason relating to not understanding the nature and import of the queries made by the Registrar (Judicial), the undertaking has been rejected, this is a fit case where opportunity has to be granted to reconsider the undertaking. The Civil Application is therefore allowed. The Registrar (Judicial) is directed to re-examine the applicant and the undertaking, as submitted.

4. The civil application stands disposed of accordingly. No order as to costs.

WRIT PETITION NO.6691/2016

List the matter for final hearing on 30/08/2021.

(AVINASH G. GHAROTE, J.)