

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

905 WRIT PETITION NO.10993 OF 2022

TRIVENI INTERNATIONAL PVT. LTD.,
THROUGH ITS DIRECTOR JITENDAR OMPRAKASH GUPTA
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. Vishal A. Bagal.
AGP for Respondent/State: Mr. S. K. Tambe.
...

CORAM : **RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**

DATE : 18th November, 2022.

P.C.:

1. On 14th November, 2022, we had passed the following
order:-

“1. The petitioner has put forth prayer clauses ‘B’ and
‘C’ as under :-

“B) By issuing writ of mandamus or any other writ
or direction in like nature that, the Resp. No.3
may kindly be directed to refund the excess
amount of D.M.F. i.e. Mining District Fund
recovered from the petitioner i.e.
Rs.36,01,900/- alongwith interest within
stipulated period.

C) Pending hearing and final disposal of this writ
petition, the Resp.No.3 may kindly be directed
to refund the excess amount of D.M.F. i.e.
Mining District Fund recovered from the
petitioner i.e. Rs.36,01,900/- alongwith

interest.”

2. The learned advocate for the petitioner submits that his request of refund would be taken care of by a recent decision communicated to the District Collector, Aurangabad dated 11th November, 2022 by the Sate Government. The same is marked as “X-1” for identification.

3. The learned Chief Government Pleader seeks short accommodation to take instructions so as to make a statement.

4. List this petition on 18th November, 2022 in the “passing orders” category.”

2. We have perused the communication issued by the office of the District Collector, Aurangabad (Mining Department) dated 27th July, 2022, addressed to the petitioner, which is placed on record. The amount to be refunded to the petitioner is Rs.36,01,900/-. The notification dated 11th November, 2022 marked as ‘X-1’, which has been issued in view of the pending petition before us in the case of the petitioner, clearly indicates that the Government has to undertake the exercise of refunding the amounts in cases covered by the said notification. There is no dispute that the case of the petitioner is covered.

3. In view of the above, we direct that the State Government would refund the said amount to the petitioner, on or before 15th February, 2023. If this deadline is followed, we may not award interest. However, if the State does not comply with this deadline, the petitioner would be entitled for interest on the amount to be refunded, as per the policy applicable.

4. This petition is disposed off.

[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]

nga