

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 14235 OF 2021

Twentyone Sugars Limited Through its
Authorized Officer Mr. Rushikesh Bhaskar MorePetitioner

Versus

The State of Maharashtra and Others ...Respondents

Advocate for Petitioner : Mr. D.J. Choudhary
AGP for Respondent Nos. 1 to 4 : Mr. S.G. Karlekar

CORAM : A.S. GADKARI & S. G. MEHARE, JJ.

Date : 08.02.2022

PC. :-

1. Record clearly indicates against the alleged impugned Order dated 27.10.2021 and 29.10.2021, the petitioner has already filed a substantive Appeal with the Department of Co-Operation, Marketing and Textile, Government of Maharashtra, on 13.11.2021. Prayer clause (A) of the Appeal clearly indicates that the impugned Orders dated 27.10.2021 and 29.10.2021, passed by respondent No. 2 are challenged therein. The said Appeal is subjudiced before the concerned Authority. Despite the said fact, the present petition for same relief has been filed on 13.12.2021, by the petitioner without even waiting for the decision of said appeal.

It is thus clear to us that, the petitioner is approaching various foras

at same point of time for seeking same reliefs.

2. There is another facet to the present petition. Petitioner is seeking adjudication of FRP for harvesting and transporting of sugar of its company. The petitioner *inter alia* wants this Court to adjudicate its monetary claim as a substantive relief in the present petition. The Hon'ble Supreme Court in catena of decisions has held that, money claims per se particularly arising out of contractual obligations are normally not entertained in writ jurisdiction. According to us there are disputed questions of facts involved in the present petition.

3. In view thereof, we find that, the petition is not maintainable. Petition is accordingly dismissed by reserving the liberty of the petitioner to pursue the Appeal filed before the Department of Co-Operation, Marketing and Textile, Government of Maharashtra.

(S. G. MEHARE, J.)

(A.S. GADKARI, J.)