

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

946 WRIT PETITION NO.13101 OF 2022

BAJAJ AUTO LTD THROUGH ITS AUTHORIZED OFFICER RAJESH B
WANKHEDE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

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Advocate for Petitioner : Mr. Talhar Ajay G.
AGP for Respondents/State : Mr. S.B. Yawalkar
Advocate for Respondent No. 6 : Mr. V.D.Sapkal Senior Advocate i/b Mr. S.R.
Sapkal

CORAM : MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.

DATE : 20.12.2022.

PER COURT :

After we heard the arguments of learned advocate Mr. Talhar who appears for the petitioner, learned Senior Advocate Mr. Sapkal who appears for the respondent No. 6 and learned A.G.P, Mr. Talhar learned advocate on instructions submits that the petitioner would only pray for the prayer clause 'D' and would resort to appropriate remedies in respect of the other prayer clauses by approaching the State Government under Section 124(6) of the Village Panchayat Act. Prayer clause 'D' reads as under :

"D. By appropriate writ order or directions, the respondent No. 3 to 6 may kindly be directed to process the proposal of lump-sum contribution dated 24.06.2017 with the respondent No. 2 Divisional Commissioner and further the respondent No. 2 Divisional Commissioner Aurangabad may kindly be directed to decide the proposal within some stipulated period of time."

2. In view of the above we dispose of the writ petition by directing the petitioner as well as respondent No. 6 Grampanchayat to make appropriate proposal before the respondent No. 2 in tune with Section 125 (since deleted) and whereupon the respondent No. 2 shall decide it in accordance with law.

3. Learned advocate Mr. Talhar submits that the petitioner be given some breathing time till it approaches the State Government. He also submits on instructions that the petitioner would pay part of the tax demanded which is more than four crore.

4. Mr. Sapkal learned Senior Advocate submits that if at all any interim relief is to be granted it should be subject to some condition regarding payment of money to the respondent No. 6 Grampanchayat, which in case the matter goes against the respondent No. 6 Grampanchayat can be adjusted towards future tax liabilities.

5. In view of above, no coercive steps shall be taken against the petitioner pursuant to the notice under challenge subject to the condition that it prefers appropriate proceeding before the State Government within 15 days and pays an amount of Rs. 2 Crores (Rs. Two Crores only) with the respondent No. 6-Grampanchayat with a further clarification that in case the matter goes against the respondent No. 6-Grampanchayat the amount so paid shall be adjusted towards future tax liability of the petitioner.

(Y. G. KHOBRAGADE, J.)

(MANGESH S. PATIL, J.)

mkd/-