

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3684 OF 2022

Savitribai Phule Backward
Cooperative Industries Ltd. Tasgaon ...Petitioner
Versus
The State of Maharashtra
through GP and Ors. ...Respondents

WITH
WRIT PETITION NO. 3686 OF 2022

Tasganesh Corrugated Box Backward
Cooperative Industries Ltd., Tasgaon
Thr. Director ...Petitioner
Versus
The State of Maharashtra
through GP and Ors. ...Respondents

WITH
WRIT PETITION NO. 2616 OF 2022

Pragati Biocoal Backward Co. Industries
Ltd., Thr. Chairman Shri.I.C.J. Javir ...Petitioner
Versus
The State of Maharashtra
through GP and Ors. ...Respondents

Mr.Chetan Hadolika a/w. Ms.Pooja Dalvi for the Petitioners.
Mrs.S.S. Bane, AGP for Respondent-State in all Petitions.

CORAM : S.V. GANGAPURWALA &
S.M. MODAK, JJ.

DATE : 7 JULY 2022

P.C:-

. We have heard the learned counsel for the Petitioners.

2. The Petitioners in all the Writ Petitions challenged the notice issued by Respondent No.5, whereby the Petitioners are directed to pay the amount.

3. The learned counsel for the Petitioners submits that as per the scheme under GR dated 22-5-2008 the Government was required to sanction and disburse 70% of the project cost and the recovery was to commence two years after the sanction and disbursement of the 70% amount. In the present case the Government has not disbursed entire 70% of the amount, as the Petitioner is not liable to pay the amount. The impugned notice is as such illegal.

4. The learned counsel submits that the because of the non-disbursement of the entire amount, the projects of the Petitioners have suffered.

5. We have heard the learned AGP.

6. We have also gone through the affidavit filed by the Assistant Commissioner, District Social Welfare Officer, Sangli. It has been stated that the amount has been sanctioned by the

Government, the amount in Writ Petition Stamp No.5785 of 2020 (70% of the project cost) is Rs.459 lakhs. The Petitioner has received Rs.432.6 lakhs, the remaining Rs.26.4 lakhs is in the joint account of the Petitioner and the Respondents. It is stated that the Petitioner has been given the first and the second installment of the Rs.457 lakhs, the Petitioner was required to submit utilization certificate within a period of 52 weeks.

7. The Petitioner has submitted utilization certificate of only Rs.95 lakhs. Under Clause 11 of GR dated 22-5-2008, the Petitioner is under obligation to submit utilization certificate of the received amount. The Petitioner had also not submitted withdrawal proposal of the remaining amount, which is in the joint account.

8. It is furthermore mentioned in the affidavit that the Petitioner failed to submit project completion certificate as well as utilization certificate. In view of such disputed facts, it would not be possible to entertain the Writ Petition.

9. The Petitioner may take up such other proceedings before the appropriate forum as may be permissible. Writ Petition is disposed of. No costs.

(S.M. MODAK, J.)

(S.V. GANGAPURWALA, J.)