

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4296 OF 2022

Rajendra Barku Ahere ... Petitioner
Versus
The State of Maharashtra & Ors. ... Respondents

Mr. Ajit D. Hon, Advocate for the Petitioner.

Smt. M. P. Thakur, AGP for the Respondents/State.

CORAM: S.V. GANGAPURWALA &
M. G. SEWLIKAR, JJ.

DATED : APRIL 26, 2022

P.C.

1. It is submitted that the minor mineral was being transported from Village-Vanka, Taluka-Nizar, District-Surat (Gujarat) to Malegaon. Delivery challan is placed on record.

2. The Nagpur Bench of this Court in *M/s. Shree Rajesh Pathak Versus State of Maharashtra & Ors.*¹ on 7th April 2021 has declared the Circular dated 6th February 2022 as bad in law, wherein the directions were given to collect 10% amount of the valuation of the goods transported from the other States as a royalty.

3. As the said Circular is set aside, the respondent cannot collect the 10% of the amount as per the said Circular.

1 Writ Petition No. 2078 of 2021 & Connected Writ Petitions.

4. In light of that, the act of the respondents in recovering 10% of differential amount is quashed and set aside.
5. The consequential steps be taken accordingly within one week.
6. The writ petition stands disposed of. No costs.

(M. G. SEWLIKAR, J.)

(S.V. GANGAPURWALA, J.)

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GAIKWAD

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