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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 4685 OF 2021
ALONGWITH
INTERIM APPLICATION NO. 2030 OF 2021**

Maharashtra State Co-Operative
Bank Ltd.

....Petitioner

V/s.
State of Maharashtra and Anr.

...Respondents

Mr. S.S. Panchpor a/w Mr. Mayur Jadhav for Petitioner.
Mr. B.V. Sawant – AGP for State/Respondent.

**CORAM : K.R. SHRIRAM &
A.S. DOCTOR, JJ.
DATED : 11th AUGUST 2022**

P.C. :

1. Counsel informs the court that by the time the order dated 1st February 2021 came to be passed, State Bank of India had already issued Demand Draft for Rs.7,04,10,624/- in favour of the Assistant Commissioner of Sales Tax, Nanded. In view of the order passed on 1st February 2021 Respondent did not encash the Demand Draft. The Demand Draft became stale. On 5th August 2022 this court orally directed that the Demand Draft to be issued fresh. We are informed that a fresh Demand Draft for Rs.7,04,10,624/- has been issued by the State Bank of India in favour of the Assistant Commissioner of Sales Tax, Nanded. A copy of the Demand Draft dated 10th August 2022 is tendered and same is taken on record and marked “X” for identification.

2. This amount of Rs.7,04,10,624/- would earn no interest if the Demand Draft is not encashed and petitioner's account already having been debited. Therefore, in our view, respondent should be permitted to encash the Demand Draft and deposit the money in Fixed Deposit with a Nationalised Bank, preferably the State Bank of India, for a period of one year to be renewed year to year unless otherwise ordered. Should petitioner succeed in the petition, this amount together with accumulated interest shall be paid over to petitioner by respondent. All rights and contentions are kept open.

3. In view of the above, Interim Application No. 2030 of 2021 stands disposed.

4. Stand over to 19th September 2022 for admission.

(A.S. DOCTOR, J.)

(K.R. SHRIRAM, J.)