IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8166 OF 2017

Shri. Somnath Brijlal Bhatia ..Petitioner
V/s.
The ITD Cementation India Ltd.
and Ors. ..Respondents

WITH
INTERIM APPLICATION NO. 17026 OF 2022
WITH
INTERIM APPLICATION NO. 2984 OF 2022

The ITD Cementation India Ltd.
and Ors. .. Applicants

In the matter between:

Shri. Somnath Brijlal Bhatia ..Petitioner
V/s.
The ITD Cementation India Ltd.
and Ors. ..Respondents

Mr. Ajit Kenjale for the Petitioner.
Mr. Gaurav Joshi, Senior Counsel with Amrut Joshi a/w Shreeya Pednekar a/w Rohan Karande i/b M/s. Divekar & Co. for Respondent No.1 and Applicants.
Mr. Sachin Kankal, AGP for the Respondent/State for Respondent Nos. 2 to 6.
Mr. Sachin More, Revenue Assistant, Tahsildar Office, Satara present.

CORAM : C.V. BHADANG, J.

DATE : 13 SEPTEMBER 2022

: ORAL ORDER:

. This petition is taken up for final disposal by consent of parties.

2. On the basis of a complaint lodged by the Petitioner and on the direction of the superior Authority, proceedings were initiated against the first Respondent before the Tahsildar in respect of allegations of mining of minor minerals in excess of the licence granted. The Tahsildar by an order dated 21.07.2009 imposed a royalty and penalty of Rs.38,69,76,000/- on the first Respondent. The order of the Tahsildar was passed on the basis of the report dated 08.06.2007 submitted by the Circle Officer.

3. The learned senior counsel for the first Respondent states that the order passed by the Tahsildar was an *ex-parte* order.

4. The first Respondent challenged the same before the Sub-Divisional Officer (SDO) in an Appeal under Section 247 of the Maharashtra Land Revenue Code being Appeal No. 4 of 2010. The SDO by an order dated 23.06.2011 dismissed the appeal on the ground of failure of the first Respondent to deposit 50% of the royalty and penalty as imposed. That order was carried in appeal before the Additional Collector, Satara by the first Respondent, where the Additional Collector by an order dated 23.07.2012 allowed the appeal and remitted the matter back to

the learned SDO for reconsideration. That order was challenged by the Petitioner in the revision application before the Additional Commissioner, Pune. The Additional Commissioner while reversing the order passed by the Additional Collector restored the order passed by the learned SDO by order dated 25.07.2013. This was challenged by the first Respondent in Revision Application before the Hon'ble Revenue Minister. The Revenue Minister by an order dated 06.04.2017 has remitted the appeal back to the learned SDO for deciding it on its own merits and in accordance with law. It is this order which is subject matter of challenge in this petition at the instance of the original complainant.

5. The record discloses that this Court by an order dated 02.08.2022 directed that no coercive action shall be taken against the first Respondent. This order was passed on the basis of the statement made on behalf of the first Respondent that an amount of Rs.9 crores shall be deposited with the Registrar, Appellate Side of this Court. It is undisputed that the first Respondent has deposited an amount of Rs.9 crores before this Court.

6. In that view of the matter, the petition is disposed of by consent of parties in the following terms.

ORDER

(i) The learned SDO shall decide the appeal on its own merits and in accordance with law within a period of 12 weeks from the receipt hereof.

(ii) Parties are permitted to produce additional documents, if any.

(iii) The rival contentions of the parties are left open.

(iv) The amount deposited before this Court shall be subject to further orders that may be passed, depending upon the outcome of the appeal

(v) Pending Interim Applications, if any, are disposed of.

Stand over to 03.01.2023 for reporting compliance.

C.V. BHADANG, J.