

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

**WRIT PETITION NO.179 OF 2022
WITH
WRIT PETITION NO.7626 OF 2021
WRIT PETITION NO.177 OF 2022
WRIT PETITION NO.176 OF 2022
WRIT PETITION NO.178 OF 2022
WRIT PETITION NO.8838 OF 2021
WRIT PETITION NO.175 OF 2022
WRIT PETITION NO.8837 OF 2021**

**PRIYA
RAJESH
SOPARKAR**

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Waterfront Housing and Hospitality
Private Limited

... Petitioner

V/s.

The Collector, Nashik and ors.

... Respondents

Mr.Sandeep D. Shinde alongwith Mr.Akshay H. Bankapur, Ms.Mayuri Karekar and Mr.Ravi V. Asabe i/by M/s Ergo Juris, Advocates for the Petitioner in all petitions.

Ms.S.D.Vyas, "B" Panel counsel for the State in all petitions.

**CORAM : S. V. GANGAPURWALA AND
VINAY JOSHI, JJ.**

DATE : 7th APRIL, 2022.

P.C.:-

1. The Petitioner is challenging the order passed by the Collector, Nasik thereby directing to consider the valuation of the land as on the date of the order.

2. The Petitioner herein had filed an application seeking permission for sale of the restricted land. The application it appears is filed on 22nd March, 2013 in all these matters.

3. The Circle Officer had immediately given a report that the application complies with all the requirements and the documents. The application is complete in all respect. However, the order could not be passed on the said application and eventually the said application was decided on or about in the year 2021, thereby directing the Petitioner to pay the nazarana based upon the valuation as of the year 2021.

4. According to the Petitioner, the valuation as on the date when the application was made is required to be considered. The contention of the learned AGP is that the application is decided in the year 2021. The sale would take place after the order is passed, as such the valuation as on the said date is required to be considered, the order is correctly passed.

5. The date of the application, the Gat numbers is detailed hereunder of the respective Writ Petitions:-

Sr.No.	Petition No.	Gat No.	Date of Application
1	WP 179/2022	165	22/03/2013
2	WP 7626/2022	139E	22/03/2013
3	WP 177/2022	158	22/03/2013
4	WP 176/2022	161	21/03/2013
5	WP 178/2022	157	21/03/2013
6	WP 8838/2021	159	22/03/2013
7	WP 175/2022	162	21/03/2013
8	WP 8837/2021	160	22/03/2013

6. It appears from the record that immediately after the application was given, the report is submitted by the Circle Officer that the application made by the Petitioner is complete in all respect and no deficiency exists in the said application.

7. The Petitioner is not responsible for delay on the part of the authorities in taking a decision. The Petitioner cannot be penalized for the delay caused by the authorities in taking a decision.

8. This court to which one of us (S.V.Gangapurwala, J.) was a party has considered the said issue and had observed that if the application is complete in all respect then the valuation as on the date the application is made is required to be considered. The reference can had to the judgment of the Apex Court in case of **Union of India Vs. Mahajan Industries**¹.

9. In view of the above, the impugned order to the extent of directing the Petitioner to deposit nazarana considering the valuation on the date of order is set aside. It is directed that the valuation of the property shall be considered as on the date the application is made i.e. 22nd March, 2013.

1 2005(10)SCC 203

10. The period of three months that was directed by the authority under the impugned order shall be calculated from the date fresh valuation is made by the authority pursuant to the present order.

11. Rule accordingly made absolute in above terms. No costs.

(VINAY JOSHI, J.)

(S.V.GANGAPURWALA, J.)

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