

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

911 WRIT PETITION NO. 4894 OF 2023

**AJAY DHUDKU AMRUTKAR [WANI]
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for the petitioner : Mr.B.S.Deshmukh h/f.
Mr.A.M.Reddy
AGP for Respondent-State : Mrs.V.N.Patil-Jadhav
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 27.04.2023

P.C. :

1] By way of present Writ Petition, the petitioner is challenging the impugned order of penalty dated 05.01.2023 passed by the respondent no.3, which is confirmed in Appeal No.16/2023 by the respondent no.2 by order dated 21.03.2023.

2] Heard the learned counsel for the petitioner. The learned counsel for the petitioner submits that the petitioner may be permitted to challenge the impugned

order before the Additional Collector as mentioned in the impugned order. The learned counsel for the petitioner further submits that the time spent in prosecuting the present Writ Petition to be excluded under Section 14 of the Limitation Act for computing the period of limitation in the event the petitioner files an application before the Additional Collector. The learned counsel for the petitioner further submits that pending the proceedings the vehicle bearing Registration No. MH-39-AD-0961 be released.

3] As it is not in the interest of any party to keep the vehicle stranded and the total amount of penalty being Rs.2,94,000/-. The petitioner is directed to deposit the amount of Rs.1,25,000/- to the concerned Department and after production of the receipt of the said amount to the concerned Authorities, the Authorities are directed to release the vehicle bearing Registration No. MH-39-AD-0961 of the petitioner on usual undertaking. Further, the petitioner to file an undertaking before the concerned authority that in the event, the petitioner failed to file the

appeal proceedings within a period of 60 days, he would return the said vehicle to the concerned authorities and the petitioner to file further undertaking that if he loses in the appeal, he would surrender the released vehicle if directed by the appellate authority within 4 weeks of the date of order of the appellate authority.

4] In case the petitioner succeeds in the appeal, the authorities concerned are bound to return the aforesaid amount to the petitioner, as may be directed by the appellate authority.

5] The Writ Petition is disposed of with above directions.

[ARUN R. PEDNEKER]
JUDGE

DDC