

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

908 WRIT PETITION NO.5605 OF 2022

VITTHALSAI SAHAKARI SAKHAR KARKHANA LTD THR ITS
AUTHORISED SIGNATORY
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL
SECRETARY AND OTHERS

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Advocate for Petitioner: Mr. Rudrawar S.G. & Irpatgire A.N.
AGP for Respondents: Mr. A R Kale
Advocate for Respondents 6,7 : Mr. V D Hon Sr. Counsel i/b Mr.
A V Hon for
Mr. V R Dhorde Advocate for Respondent no.4.

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CORAM : NITIN W. SAMBRE & S. G. CHAPALGAONKAR, JJ.
Dated: April 11, 2023

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PER COURT :-

1. Learned counsel appearing for the petitioner invited attention of this Court to paragraph no.10 of the affidavit-in-reply of respondent no.4 (page 187), which reads thus :-

“10. I say and submit that in paragraph no.44 of the affidavit we have already said that this respondent is ready to allot the tender to petitioner, if other respondents would agree to the same. This additional affidavit is thus filed in support of and without prejudice to the contentions made in the affidavit dated 20.3.2023. It is further stated that considering the upcoming crushing season and for recovery of outstanding of the respondent no.4, this

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respondent bank submits its stand as above.'

2. Learned counsel submits that, in view of above, the issue canvassed by the petitioner in the petition can be resolved by respondent no.4 - Bank by taking appropriate decision in the matter.

3. In view of above, we direct respondent no.4 Bank to proceed with its decision qua the claim canvassed by the petitioner in this petition.

4. Petition accordingly disposed off.

5. Needless to clarify that the parties shall be at liberty to approach the appropriate authority, in case a fresh cause arises.

(S. G. CHAPALGAONKAR, J.)

(NITIN W. SAMBRE, J.)

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