

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15524 OF 2023

KKK Highway LLP

...Petitioner

Versus

Union of India,

through the Ministry of Finance & Ors. ...Respondents

Mr. Bharat Raichandani a/w. Mr. Prathamesh Gargate i/by M/s. UBR
Legal for the Petitioner.

Ms. Shruti D. Vyas, Addl. G. P. for the Respondent (State).

CORAM : G. S. KULKARNI,
JITENDRA JAIN, J.J.

DATE : 18th DECEMBER, 2023.

P.C. :-

1. Heard Mr. Raichandani, learned counsel for the Petitioner and
Ms. Vyas, learned Additional Government Pleader for the Respondent-
State.

2. This petition is filed under Article 226 of the Constitution of
India praying for the following reliefs:-

“(A) That this Hon’ble Court may kindly be pleased to issue a Writ in the nature of Mandamus or any other appropriate writ, order or direction as this Hon’ble Court deems fit under circumstances so as to meet ends of justice and the Hon’ble Court may be call for the records pertaining to the impugned investigation may kindly be declared illegal and set-aside with further direction to Respondent No.3 to refund/re-credit the amount of Rs.1,37,24,726/- in

Electronic Credit Ledger to the Petitioner, which was collected forcefully without jurisdiction and without authority of law;

- (B) That this Hon'ble court may kindly be pleased to issue a writ in the nature of declaration or any other appropriate writ, order or direction as this Hon'ble Court deems fit under circumstances so as to meet ends of justice and the Hon'ble Court may call for the records pertaining to matter and hold and declare that the purported investigation conducted by the Respondent no.3 is illegal, beyond jurisdiction and without authority of law;*
- (C) That, alternatively, this Hon'ble Court be pleased to issue a Writ of Certiorari or a writ in the nature of Certiorari or any other writ, order or direction under Article 226 of the Constitution of India calling for the records pertaining to the Petitioner's case and after going into the validity and legality of the provisions direct the Respondent No.3 to conclude the investigation and issue show cause notice, if any;*
- (D) That this Hon'ble Court be pleased to issue a Writ of Mandamus or a writ in the nature of Mandamus or any other writ, order or direction under Article 226 of the Constitution of India calling for the records pertaining to the Petitioner's case and after going into the validity and legality of the provisions thereof direct the Respondent No.3 by himself, direct to not take any further coercive steps against the Petitioner;*
- (E) That the Hon'ble Court kindly be pleased to issue directions to the investigation officers/Respondent No.3 to record statements through videography;*
- (F) For interim and ad-interim reliefs in terms of above prayers;*
- (G) For costs of this petition;*
- (H) For such and other reliefs as the nature and circumstances of the case may require and such that this Hon'ble Court may deem fit, in the facts and circumstances of the present case."*

3. We are informed that the Petitioner's refund application was already filed and the same has not been decided. Let the decision on the refund application be taken in accordance with law as expeditiously as possible and in any case within a period of six weeks from today.

4. Petition is disposed of in the above terms. No costs.
5. All contentions of the parties are expressly kept open.

[JITENDRA JAIN, J.]

[G. S. KULKARNI, J.]