

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1427 OF 2021

Abdeli Rampurwala.

...Petitioner.

Versus

The Union of India and Another.

..Respondents.

Mr. Yusuf Rampurwala for the Petitioner.

Mr. Jitendra B. Mishra for Respondent No. 1.

Ms. Jyoti Chavan, AGP for Respondent No.2.

CORAM : NITIN JAMDAR &
ABHAY AHUJA, JJ.

DATE : 4 JANUARY 2023.

P.C. :

Heard learned counsel for the parties.

2. The Petitioner has sought various declarations as to the implications of the impugned notification also to modify and amend the central and state notifications annexed to the petition so as to permit the refund of late fees paid prior to the issuance of these notifications.

3. As regards the personal cause of the Petitioner, there is a reference to the refund of Rs. 38,680/- as stated in the petition.

4. Learned counsel for the Respondents point out that the manner in which the petition is presented is akin to a Public Interest

Litigation and there is no serious demand for the refund. Even the representation annexed to the petition is general in nature.

5. Unless the Petitioner makes a specific demand for the amount and the same is refused on the ground that the Petitioner is not entitled to the refund, the question of law would not arise. Till then, the debate in this petition is only academic.

6. It is open to the Petitioner to make a specific demand for refund of the amount, demonstrating the manner in which the refund arises by giving particulars. If such an application is made within two weeks then the same be responded to by the Respondent authorities within a period of eight weeks thereafter, subject to other important public duties. In case, the Respondents rejects the Petitioner's demand, then it is open to the Petitioner to raise the challenge to such rejection taking all such legal grounds as may be available.

7. The writ petition is disposed of.

(ABHAY AHUJA, J.)

(NITIN JAMDAR, J.)