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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 WRIT PETITION NO. 9916 OF 2024

INDRAJIT BISHAMBARDAS NAYYAR AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH PRINCIPAL SECRETARY
AND ANOTHER
AND

907 WRIT PETITION NO. 9936 OF 2024

BALDEV SINGH SANT SINGH WAHI AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH PRINCIPAL SECRETARY
AND ANOTHER

Mr.G.K.Naik Thigle, Advocate for the Petitioners.

Mr.M.M.Nerlikar, Mr.S.R.Wakale, AGPs' for the Respondent/State.

(CORAM : RAVINDRA V. GHUGE AND
Y.G.KHOBRADE, JJ.)

DATE : SEPTEMBER 12, 2024

PER COURT :

1. The Petitioners in these 2 Petitions are identically placed.
We had heard these matters on 10.09.2024 and considering that
yesterday was a holiday, we have listed them today for final hearing

2. After recording the submissions of the learned Advocates
for the respective sides and keeping in view that the order that we are

passing today, we are not adverting to the entire submissions of the litigating parties. Suffice it to say that, the Petitioners are Government Contractors for more than 30 years. By communication of the District Collector dated 08.10.2011 and 28.06.2012, the transport vehicles owned by these Petitioners were requisitioned under the mandate of the District Collector. Possession of the said vehicles was taken for the purpose of transportation of food grains. Office of the District Collector, Ahmednagar was facing certain difficulties and hence, such step was initiated.

3. In view of the above referred order itself, the rates of rent were fixed and which were to be paid to the Petitioners. The repairs of the vehicles and the allowances for the drivers of the vehicles, were to be borne by the Petitioners. A clause as regards calculating interest on the amounts payable to the Petitioners, was not mentioned in the said orders. The duration for which such vehicles were utilized was from 10.10.2011 up to 10.08.2014. For clarity, we record that each vehicle was requisitioned for different purposes.

4. The District Supply Officer, Ahmednagar addressed a

communication to the Secretary, Food Supplies and Consumer Protection, Mantralaya, Mumbai on 01.09.2023, stating therein that certain payments towards these Petitioners could not be made and the same are pending for more than 10 years since the local administration did not have funds. It is clarified that the delay was not deliberate and it was only on account of administrative exigencies. It was further prayed that the explanation be accepted. This letter was in response to the communication received by the D.S.O. from the Secretary dated 01.09.2023, asking for an explanation for the delay in payment. It is, thereafter, that the payment has been made on 22.11.2023, however, without any interest for the last around 8 to 11 years.

5. The learned Advocate for the Petitioners submits that a detailed representation dated 09.03.2024, has been addressed to the District Collector, Ahmednagar as well as the Secretary, Food and Civil Supplies Department, Mantralaya, Mumbai, praying for interest. The said representation is pending.

6. In view of the above, the learned Advocate for the Petitioners submits that if the Petitioners do not receive a favourable

order on their representation with regard to payment of the interest component, they would resort to a suit for recovery by approaching the Civil Court.

7. The learned AGP vehemently submits that if the Petitioners finally approach the Civil Court for claiming interest, all contentions be kept open including the contention of delay in making the claim for interest and cause of action.

8. In view of the above, **both these Writ Petitions are disposed off** with a direction to the District Collector to consider the representation of the Petitioners (18 pages), dated 09.03.2024, on its own merits and by taking guidance from the Secretary, Food and Civil Supplies, Mantralaya, Mumbai, State of Maharashtra. Let such decision be arrived at within a period of 120 days from today. No extension of time would be granted. If the Code of Conduct is introduced, the same shall not be an impediment or the State Assembly Election shall not be a ground for delaying the compliance of our order.

(Y.G.KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)