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

**936 CIVIL APPLICATION NO. 13504 OF 2024
IN WP/7910/2021**

THE GRAMPANCHAYAT PIMPALGAON LANDGA, THR ITS
VILLAGE DEVELOPMENT OFFICER AND ANR

VERSUS

MAHARASHTRA STATE ELECTRICITY TRANSMISSION
COMPANY LTD. THR ITS EXECUTIVE ENGINEER AND
OTHERS

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Mr Sanjay Gaikwad, Advocate h/f Mr Niteen V. Gaware, Advocate for
applicants

Mr S. V. Adwant, Advocate for respondent No.1

Mrs V. N. Patil Jadhav, A.G.P. for respondent No.2

Mr V. M. Vibhute, Advocate fro respondent Nos.3 and 4

CORAM : MANGESH S. PATIL

AND

PRAFULLA S. KHUBALKAR, JJ.

DATE : 13th December, 2024

PER COURT:

1. Heard both the sides.
2. By way of this civil application, the applicant/village panchayat, Pimpalgaon Landga, is seeking direction for withdrawal of the amount deposited by the petitioner/Maharashtra State Electricity Transmission Company, pursuant to the order of this Court dated 23/07/2021 in respect of the alleged arrears of tax which are being questioned by the petitioner.

(2)

3. It is being pointed out that in similar matter i.e. Writ Petition No.6087/2021, this Court has already permitted the Grampanchayat, to withdraw the amount deposited by the same petitioner/Transmission Company.

4. It is a matter of payment of tax recoverable the Grampanchayat. Apparently the petitioner had also preferred a statutory appeal under Section 124 of the Maharashtra Village Panchayats Act, 1959, which has been dismissed. A perusal of that appeal memo reveals that even it admitted to have purchased a property to the extent of 1 Hectore and 44 Are and still is claiming exemption which is not its stand before the appellate authority.

5. In view of above, we allow the application and permit the applicant Grampanchayat to withdraw the amount, subject to the condition that it shall either refund or will appropriate the money towards future liability of the petitioner/Company, by filing an affidavit undertaking sworn by the Sarpanch and the Village Officer.

6. List the writ petition for final disposal on 23/01/2025.

(PRAFULLA S. KHUBALKAR, J.) **(MANGESH S. PATIL, J.)**
sjk