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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

919 WRIT PETITION NO. 10564 OF 2024

RAMAKANT MADHAVRAO GADE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH PRINCIPLE SECRETARY
AND ANOTHER

Mr.Rohan R.Lute h/f Mr.G.K.Naik Thigle, Advocate for the Petitioners.
Mr.S.R.Wakale, AGP for the Respondent/State.

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

DATE : SEPTEMBER 26, 2024

PER COURT :

1. After recording the submissions of the learned Advocates for the respective sides and keeping in considering the order that we are passing today, we are not adverting to their entire submissions.

2. 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 legally initiated.

3. In view of the above referred orders, 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 10.08.2011 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 have not been 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.

5. 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.

6. The learned Advocate for the Petitioners submits that a detailed representation dated 04.09.2024, 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.

7. 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.

8. 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.

9. In view of the above, **this Writ Petition is disposed off** with a direction to the District Collector to consider the representation of the Petitioners (17 pages), dated 04.09.2024, 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 Elections shall not be a ground for delaying the compliance of our order.

(Y.G.KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)