



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10147 OF 2019

Neeta Tours and Travels, through Sr. Manager ... Petitioner

Versus

The State of Maharashtra, through Secretary, Public Works Dept. & Anr. ... Respondents

Mr. Suhas S. Deokar for the petitioner.

Mr. Sanjeel Kadam a/w. Ms. Sayalee Rajpurkar i/b. Kadam & Co. for respondent no. 1.

Mr. P. P. More, AGP for the State.

Mr. Prashant Chawan i/b. Ms. Reshmarani Nathani for respondent no. 2.

CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.
DATED: 28 February, 2024

P.C.

1. This petition, which is of the year 2019 is pending for quite sometime.

The prayers as made in the petition reads thus:

“a) That by Writ of Mandamus and or by appropriate Writ, Order or direction, your Lordships be pleased to quash and set aside the impugned notification dated 27/09/2002 & 08/11/2017 issued by respondent no. 1 under section 20 of the Maharashtra Motor Vehicles Tax Act 1958 to the extent of category of minibus and further direct the respondents to modify their notification under section 20 of the Maharashtra Motor Vehicles Tax Act 1958 so as to include petitioners vehicle in the category of minibus and/or to modify it at par with circular issued by National highways authority of India.

b) pending the hearing and final disposal of the petition your Lordship be pleased to direct the respondents not to act upon the impugned notifications issued under section 20 of the Maharashtra Motor Vehicle Tax Act, 1958 and also direct the respondents to collect the toll from the petitioners vehicle from the category of minibus.”

2. We also find that there was a representation made by the petitioner in regard to the petitioner's grievance in respect of toll which would be required

to be paid for Minibuses which are stated to be plyed by the petitioner. It is informed by the learned counsel for the petitioner that recently a new notification dated 9 December, 2022 has been issued by the State Government in its Public Works Department prescribing the toll rates for different categories of vehicles in relation to toll to be paid on Samruddhi Mahamarg (Nagpur-Mumbai Super Communicatin Expressway).

3. In the light of the development which has taken place, which is during the pendency of the petition, learned counsel for the petitioner fairly states that the petitioner would withdraw this petition with liberty to the petitioner to approach the State Government by making an appropriate representation to the State Government/respondent no. 1.

4. We may observe that such course of action would be a fair approach on the part of the petitioner in the event the petitioner is aggrieved by any notification, which is in operation, in relation to any toll rates being specified for the minibuses if the petitioner is so plying. If any representation is made, the same be considered by the appropriate authority and a reasoned decision in that regard be communicated to the petitioner within six weeks from the filing of the representation. All contentions of the parties are kept open.

5. Disposed of in the above terms. No costs.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)