
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2789 OF 2024

Huhtamaki India Limited

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. Mayur Khandeparkar a/w. *Mr. Vikramjit Singh, Mr. Gaurav Gopal, Mr. Mohit Goyal i/b. Wadia & Ghandy Co., Advocates for the Petitioner.*

Dr. Birendra Saraf, AG a/w. *Mr. P.P. Kakade, GP, Mr. A.I. Patel, Addl.G.P. & Mr. Y.D. Patil, AGP for Respondent-State.*

Mr. Ram A. Sabane, *Desk Officer, ULC, Urban Development Dept., Mantralaya, Mumbai is present in Court.*

**CORAM : B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.**

DATE : OCTOBER 09, 2024

P. C.

1. The above Writ Petition was disposed of by this Court vide its Order dated 15th July, 2024. By the said Order, this Court directed Respondent No.1 and/or Respondent No.2 to refund to the Petitioner the sum of Rs.19,21,70,250/- within a period of eight weeks from the said date. It was also directed that if the aforesaid amount is refunded within the stipulated period, the Government

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shall not be liable to pay any interest on the aforesaid amount. However, if the aforesaid amount was not refunded within a period of eight weeks, namely, on or before 9th October, 2024, the Government would be liable to pay interest on the said amount of Rs.19,21,70,250/-, at the rate of 10% per annum, simple interest, from 10th September, 2024 till payment and/or realization. We had therefore kept the matter on Board for reporting compliance.

2. When the matter had come up on 3rd October, 2024, we were informed by the Petitioner that the amount has not yet been refunded. We had therefore kept the matter today for the learned AG to take instructions in the matter because we were of the opinion that compliance of our orders cannot wait indefinitely.

3. Today, an affidavit has been filed dated 9th October, 2024. In the said affidavit, the explanation for not paying the aforesaid amount is that the Government was taking steps or considering taking steps for challenging the orders passed by this Court. However, the learned AG has made a statement to the Court that the amount of Rs.19,21,70,250/- will be paid to the Petitioner within a period of one week from today. He has further stated that the order passed in this Writ Petition has also been challenged before the Hon'ble Supreme Court by filing a Special Leave Petition (SLP). This

payment is being made subject to the outcome of the said SLP and the Petitioner herein would have to refund the aforesaid amount in the event the State succeeds before the Hon'ble Supreme Court. We accept the statement made by the learned AG on behalf of the State.

4. As per the statement made by the learned AG, we direct that the payment of Rs.19,21,70,250/- shall be made to the Petitioner on or before 16th October, 2024. It is made clear that this payment is made without prejudice to the rights and contentions of the State in the SLP filed assailing the order passed by this Court on 15th July, 2024. The Petitioner will have to abide by any order for refund or any further orders passed by the Hon'ble Supreme Court in that regard, if any.

5. To ensure compliance of today's order, we now place the above matter on **17th October, 2024**.

6. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.]

[B.P. COLABAWALLA, J.]