

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. Mohit Goyal *i/b. Wadia & Ghandy Co., Advocate for the Petitioner.*

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

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

DATE : OCTOBER 17, 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 had *inter alia* directed Respondent No.1 and/or Respondent No.2 to refund to the Petitioner the sum of Rs.19,21,70,250/- on or before 9th September, 2024. It was also directed that if the aforesaid amount is refunded within the stipulated period, the Government shall not be liable to pay any interest on the aforesaid amount. However, if the aforesaid amount is not refunded within a period of eight weeks,

namely, on or before 9th September, 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 9th October, 2024, a statement was made by the Learned AG for the State that the amount of Rs.19,21,70,250/- will be paid to the Petitioner within a period of one week from 9th October, 2024. It was further stated that the order passed in this Writ Petition has been challenged before the Hon'ble Supreme Court by filing a Special Leave Petition (SLP) and 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 accepted the aforesaid statement made by the learned AG on behalf of the State.

3. Today when the matter is called out, we are happy to note that the amount of Rs.19,21,70,250/- has been refunded by the State to the Petitioner on 15th October, 2024. Since the money has been received by the Petitioner, the Petitioner has been gracious enough to waive the interest for the period from 10th September, 2024 till 15th

October, 2024 (i.e. the date of payment). Now that our orders have been fully complied with and the Writ Petition is already disposed of earlier, no further orders are now necessary.

4. 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.]