

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1125 OF 2024**

Riyaz Ismail Machhiwala & Anr.

...Petitioners

Versus

The State of Maharashtra & Anr.

...Respondents

Ms Sneha Patil a/w. Brena Gala i/b. Maniar Srivastava Associates, Advocates for Petitioners.

Ms Prachi Tatake, Addl.G.P. a/w. Manisha Gawade, AGP for Respondent No.1.

**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 7th August, 2024. By the said Order, this Court *inter alia* directed Respondent No.1 and/or Respondents No.2 to refund to the Petitioners the sum of Rs.2,66,75,750/- on or before 3rd October, 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 was not refunded on or before 3rd October, 2024, the

Government would be liable to pay interest on the said amount of Rs.2,66,75,750/-, at the rate of 10% per annum, simple interest, from 4th October, 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, we were informed that the amount of Rs.2,66,75,750/- has not yet been paid. Ms Tatake, the Learned Addl. G.P. appearing on behalf of the State, made a statement to this Court that the said amount would be paid to the Petitioners within a period of one week from 9th October, 2024. A further statement was made that the order passed in this Writ Petition has already been challenged before the Hon'ble Supreme Court by filing a Special Leave Petition (SLP). Therefore, this payment is being made subject to the outcome of the said SLP and the Petitioners herein would have to refund the aforesaid amount in the event the State succeeds before the Hon'ble Supreme Court. We accepted the said statement and place the matter on Board for reporting compliance.

3. Today when the matter is called out, we are happy to note that the amount of Rs.2,66,75,750/- has been paid to the Petitioners. Since the aforesaid amount has been received by the Petitioners, the Petitioners have been gracious enough to waive the interest for the

period from 4th October, 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.]