**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

**Civil Application (CAW) No. 2636 of 2024
in
Writ Petition No. 6577 of 2013 (D)**

[G.T.N. Industries Ltd., H.O. at Hyderabad and Factory Unit at Khurajgaon, Tah. Saoner, Dist. Nagpur acting through its authorised Officer Shri H. K. Mitkar **..vs..** State of Maharashtra, through Principal Secretary, Rural Development and ors.]

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

Mr. S. M. Patrikar, Advocate for the applicant/petitioner
Mr. A. A. Madiwale, AGP for respondent nos. 1 and 4
Mr. Majid Sheikh, Advocate for respondent no. 2
Mr V. A. Dhabe, Advocate for respondent no. 3

CORAM : ANIL L. PANSARE J.

DATED : 10-12-2024

Heard.

The request of the applicant - petitioner is to permit it to withdraw original bank guarantee deposited with the Registry of this Court in terms of order dated 25-6-2014.

The petition has been disposed of by this Court vide order dated 30-7-2024. The matter has been relegated back to the Divisional Commissioner, Nagpur to decide it afresh.

The issue was as regards payment of taxes by the applicant – petitioner to the respondent no. 3, Gram Panchayat. My attention is invited to order dated 25-6-2014 passed by this Court in the writ petition, wherein while granting stay to the impugned order, this Court directed applicant – petitioner to furnish bank guarantee for the disputed amount of taxes, amounting to

Rs. 45,60,471/-. Accordingly, bank guarantee has been deposited with the Registry.

Learned counsel for Zilla Parishad and Gram Panchayat as also learned Assistant Government Pleader have objected to release the bank guarantee, the reason being the arrears of taxes are payable by the applicant-petitioner.

I do not find any reason to withhold the bank guarantee. The petition has been disposed of. The arrears of taxes is subject matter before the Divisional Commissioner. I am informed that the decision is likely to be taken within a week or so. If the decision is so taken, the applicant – petitioner shall pay the arrears of taxes as decided by the Divisional Commissioner within one month from the date of order, if it is not inclined to challenge the said order.

The application is accordingly allowed. The bank guarantee deposited by the applicant - petitioner with the Registry be released in his favour at the earliest.

The application is disposed of in above terms.

(Anil L. Pansare, J.)

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