

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10770 OF 2023

Ganesh Arun Chavan

VERSUS

The State Of Maharashtra Through The Minister And Others

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Advocate for the Petitioner : Mr. Mukul Kulkarni h/f Mr. Deshmukh
Chaitanya Shrikant

AGP for Respondent/State : Mr. R.B. Dhaware

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATED : DECEMBER 01, 2025

PER COURT :

1. Heard Mr. Mukul Kulkarni, learned counsel for the petitioner and Mr. Dhaware, learned AGP for the State.

2. By way of present petition, the petitioner assails the order passed by the Minister/respondent no.1 dated 07.02.2023, whereby the prayer of the petitioner for refund of the amount deposited was rejected.

3. Learned counsel for the petitioner submits that pursuant to the tenders invited by the concerned authority, the petitioner submitted his tender for lifting the sand from the spot at Village Bhoggaon, Taluka Ghansavangi, District Jalna. He would submit that initially, though the sand spot was allotted to the petitioner, because of some earlier water accumulation, he could not lift the sand. It was

even brought to the notice of the concerned authorities that as there was a protest by the concerned Gram Panchayat and because of which he was prevented from lifting the sand from the spot.

4. Learned AGP would submit that the petitioner was allotted the sand spot and despite of permission to lift the sand through suction pump, the petitioner failed to do so. Therefore, he submits that for this reason the petitioner is not entitled to receive the refund of amount paid by him while accepting the tender.

5. I have considered the rival submissions advanced by both the parties. It is not disputed that the sand spot was allotted to the petitioner and because of the unforeseen circumstances, the petitioner could not lift the sand for which the tender was issued. Even it is not the case of respondent no.1 that despite of giving sufficient opportunity, the petitioner failed to lift the sand from the spot.

6. Admittedly, there is no any record to show that the petitioner lifted the sand from the spot allotted to him and as there is no fault on the part of the petitioner, thus he is entitled to receive the refund of amount.

7. In view thereof, the petition is allowed.

8. The order passed by the respondent no.1/Minister dated 07.02.2023, is hereby quashed and set aside.

9. The Collector, Jalna is hereby directed to refund the amount deposited by the petitioner within period of four weeks from today with accrued interest thereon.

(SIDDHESHWAR S. THOMBRE, J.)

Mujaheed//