



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

WRIT PETITION NO. 2887 OF 2017

Saket Enterprises, a proprietary concern of Shri Saket Sunil Pimple

vs.

The Principal Chief Conservator of Forest (head of Forest Force) and ors.

Mr. A. S. Kulkarni, Advocate for petitioner.

Mr. Nitin Autkar, Assistant Government Pleader for respondent nos. 1 to 4.

CORAM :- NITIN W. SAMBRE AND MRS. VRUSHALI V. JOHI, JJ.

DATE :- 13th JANUARY, 2025

P. C.

Heard.

2. The issue in the petition is restricted only to the extent of refund of earnest money deposited in the matter of collection of *Tendu* leaves of harvesting season of 2017.

3. The main challenge in the petition has rendered infructuous, however it is the case of the petitioner that in absence of there being order of forfeiture, he is entitled for refund of earnest money.

4. Clause XX of the Tender Document reads as under:

“XX In the event of any dispute or difference whatsoever arising between the parties hereto either during the subsistence of the agreement to be executed under the provisions of clause VIII hereto or thereafter; as to the interpretation of the terms and conditions of the contract or of the said agreement or as to their rights, duties and obligations of all the parties, hereunder or as to any other matter whatsoever arising out of in relation thereto or concerning the same, the decision thereupon of the Additional Principal Chief Conservator of Forests (Non-Timber Forest Produce TFP) Maharashtra State, Nagpur, shall be final and binding on all the parties concerned.”

5. Since, the petitioner has a remedy of getting the dispute as regards to the return of earnest money resolved through the Additional Principal Chief Conservator of Forests viz. Authority, we deem it appropriate to dispose of the petition by permitting the petitioner to appear before the Authority on **03.02.2025** alongwith his claim.

6. Once such claim is submitted to the Additional Principal Chief Conservator of Forests (Non-Timber Forest Produce), State of Maharashtra viz. Authority, provided under the aforesaid Clause XX of the tender document, the said Authority shall adjudicate the claim of the petitioner expeditiously and in any case within a period of four months from the date of such claim being submitted by the petitioner.

7. With these directions, the writ petition stands disposed of.

(MRS.VRUSHALI V. JOSHI, J.)

(NTIN W. SAMBRE, J.)

Andurkar.