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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3287 OF 2025

Tushar Shivaji Thorat
Age – 47 years, Occ – Agril & Business
R/o Proprietor of Vaishnavi Developers
and Building Material Suppliers
R/o Otur, Taluka – Junnar, District - Pune

PETITIONER

VERSUS

1. The State of Maharashtra
Through its Secretary,
Revenue & Forest Department,
Mantralaya, Mumbai – 32
2. The Collector, Ahmednagar
District – Ahmednagar
3. The Tahsildar, Sangamner
Tahsil Office, Sangamner
District -Ahmednagar

RESPONDENTS

.....
Mr. Shahaji K. Shinde, Advocate for the Petitioner
Mr. M. K. Goyanka, AGP for Respondent - State
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[CORAM : NITIN B. SURYAWANSHI, &
VAISHALI PATIL-JADHAV, J. J.]

DATE : 4th MAY, 2026

JUDGMENT (PER NITIN B. SURYAWANSHI, J.) :

1. Rule. Rule is made returnable forthwith. Heard finally with the consent of the learned Advocates for the parties.
2. By this Petition, filed under Article 226 of the Constitution

of India, the Petitioner seeks direction to the Respondents to pay 12% interest on the amount of Rs.87,00,000/- refunded to him, which was deposited by the Petitioner for lifting of sand, in the year 2015.

3. The Petitioner was declared successful bidder, having offered Rs.87,00,000/- in the e-auction conducted in the year 2014-15 for excavation of 846 brass sand from river Mula at village Nandur-Khandarmal, Taluka – Sangamner, District – Ahmednagar. The Petitioner deposited Rs.21,75,000/- on 12th February, 2015 and Rs.65,25,000/- on 25th February, 2015. Thereafter, necessary documents were executed by the Collector, Ahmednagar and possession of the sand spot was given to the Petitioner on 18th March, 2015. As there was 15 to 20 feet deep water at the sand spot, the Petitioner requested for permission to lift sand through suction machine. However, the said permission was refused by Respondent No.1 on 16th September, 2015. Therefore, the Petitioner requested the respondents to refund the amount of Rs.87,00,000/- deposited by him, as he could not lift a single brass of sand from the said site. By order dated 4th February, 2016, Respondent No.1 rejected the said request. The Petitioner then approached this Court, by filing Writ Petition No. 3725 of 2018. The Petition was disposed of by order

dated 28th March, 2022, by directing the Petitioner to approach Respondent No.1, by filing Revision / Appeal.

Accordingly, the Petitioner filed Application dated 6th April, 2022 before Respondent No.1 seeking refund of the amount of Rs.87,00,000/- along with interest. After hearing the Petitioner, Respondent No.1, by order dated 12th October, 2023, allowed refund of Rs.87,00,000/-, however, prayer for interest is rejected. Consequently, the Government issued a memorandum directing to refund Rs.87,00,000/- to the Petitioner. The amount was refunded to the Petitioner on 13th January, 2025. Hence the Petition.

4. Heard learned Advocate for the Petitioner and learned AGP for the State, at length. Perused the record.

8. By relying on the orders passed by the co-ordinate Bench of this Court at Principal Seat dated 9th December, 2016 in Writ Petition No. 9249 of 2016 (***Sukhkarta Building Material V/s State of Maharashtra***), and dated 1st April, 2013 passed in Writ Petition No. 1496 of 2013 (***Laxman Sopan Lokhande V/s State of Maharashtra and Others***), which are rendered in similar facts, the Petitioner seeks payment of interest.

9. Coming to the facts of the present case, admittedly, due to

the circumstances beyond the control of the Petitioner, he could not lift a single brass of sand from the said site. For no fault on his part, the amount deposited by him in the year 2015, was not refunded to the Petitioner. The case of the Petitioner is squarely covered by the aforesaid decisions. The Petitioner is therefore, entitled for the interest on the amount of refund. The Petition, therefore, deserves to be allowed.

11. At this stage, learned AGP submits that, at the most 6% simple interest be awarded. Learned Advocate for the Petitioner opposed the said request stating that, the Petitioner had raised the said amount by obtaining loan from co-operative bank. Since the Petitioner had raised the said amount, for making the deposit, by obtaining loan from the co-operative bank, we deem it appropriate to award 8% simple interest p.a. on the amount of Rs.87,00,000/- from the date of deposit till the same was refunded to the Petitioner.

12. In the result, following order:

ORDER

- A. Writ Petition is allowed.
- B. Respondents are directed to pay the Petitioner, simple interest @ 8% p.a. on the amount of Rs.87,00,000/- from

the date of deposit i.e. February, 2015 till the same was refunded to the Petitioner i.e. 13.01.2025, within a period of three months from the date of receipt of copy of this order.

C. Rule is made absolute in aforesaid terms.

[VAISHALI PATIL-JADHAV]
JUDGE

[NITIN B. SURYAWANSHI]
JUDGE