
(2022) 11 BOM CK 0064
In the Bombay High Court
Case No : Writ Petition No. 5868 Of 2019

Jitendra Ganesh Maske

APPELLANT

Vs

State Of Maharashtra And Others

RESPONDENT

Date of Decision : 16-11-2022

Acts Referred:

Citation : (2022) 11 BOM CK 0064

Hon'ble Judges : A.S.Chandurkar, J;M.W.Chandwani, J

Bench : Division Bench

Advocate : V.S. Kukday, D.P. Thakare

Final Decision : Disposed Of

Judgement

A.S. Chandurkar, J

1. RULE. Rule made returnable forthwith and heard the learned counsel for the parties.

2. The petitioner had participated in the auction process that was conducted for allotment of sand ghats in Bhandara district for the period up to 30.09.2017. The bid submitted by the petitioner was found to be highest and hence after accepting the same an agreement was entered into between the petitioner and the Authorities on 21.10.2016.

It appears that the petitioner could not lift the sand that was allotted under the auction and hence he made representations to the District Mining Officer pointing out that on account of objection raised by the villagers it was not possible to lift the sand in question. The petitioner in these circumstances sought refund of the amount that was deposited pursuant to the bid. The petitioner made representations in that regard and as no decision was taken, this writ petition came to be filed.

3. During pendency of the writ petition, the petitioner's representation dated 02.02.2019 made to the District Level Committee, Bhandara came to be

considered and decided on 03.11.2022.

The learned Additional Government Pleader has tendered the minutes of the aforesaid meeting which are taken on record and marked 'A' for identification. As per the said minutes the Committee has found the claim of the petitioner to be acceptable and has directed refund of the basic amount that was deposited by the petitioner in the auction.

4. In view of aforesaid, the respondent no.1 is directed to refund the amount deposited by the petitioner pursuant to the bid in terms of the minutes of the meeting of the District Level Committee, Bhandara held on 03.11.2022 within a period of six weeks from the date of communication of this order.

5. The writ petition is disposed of with aforesaid direction. Rule accordingly. No costs.