

# **M/S. Baramati Agro Ltd vs State Of Maharashtra Throgh Principal ... on 10 January, 2020**

**Bench: K. K. Tated, Sarang V. Kotwal**

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1382 OF 2019  
IN  
WRIT PETITION NO.3014 OF 2011

Baramati Agro Ltd. .. Applicant

vs.

State of Maharashtra Through Principal  
Secretary and Ors. .. Respondents

Mr.Dnyandeo Babaji Savant a/w Mr.Vinayak R. Salokhe for the Applicant Mr.S.S.Panchapore, A.G.P. for the Respondent nos.1 to 3 CORAM : K. K. TATED & SARANG V. KOTWAL, JJ DATE : JANUARY 10, 2020 P.C.:

. Heard.

2 By this Civil Application, Applicant is seeking direction

against the Respondent to refund sum of Rs.1,14,36,000/- paid by them, though there was stay order passed by this court on 13.08.2014.

21 caw1382-19.doc 3 The learned counsel for the Applicant submits that this court by order dated 13.08.2014 restrained the Respondent from in any manner demanding and recovering from the

Applicant (1) transport pass fee (2) import pass fee, (c) export pass fee or any other fees, taxes, etc. on interstate or intrastate movement of Industrial Alcohol / Denatured Spirit under the provisions of Bombay Denatured Spirit Rules, 1959 or other wise.

4 The learned counsel for the Applicant submits that inspite of these facts, Respondent recovered the said fees from the Applicant for the period August, 2018 to July, 2019. He submits that thereafter this court by common order dated 23.02.2018 in several petitions held that Respondents are not entitled to recover the said amount. He submits that in the meanwhile Applicant fled Application dated 08.08.2016 with the Respondent for refund of said amount of Rs.1,14,36,000/-. He submits that till today, Respondents have not taken any decision on that Application.

5 During the course of argument, the learned counsel for the Applicant submits that he received instruction not to press the present Civil Application but direction to the Respondent to decide their Application dated 08.08.2016 on its own merits.

6 Considering the submissions made by the learned counsel for the Applicant and as Application fled by the Applicant is pending with the Respondent for the last four years, we pass the following order:

21 caw1382-19.doc a. Respondent no.1 to decide Applicant's Application dated 08.08.2016 on its own merits on or before 30.04.2020 and communicate the order to the Applicant.

b. The Civil Application stands disposed of accordingly.

c. No order as to costs.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)