



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**CONTEMPT PETITION NO. 570 OF 2018  
IN  
WRIT PETITION NO. 13545 OF 2017**

Maheshprasad Dwarkadas Jaiswal .. Petitioner

**Versus**

The State of Maharashtra and others .. Respondents

Shri Hanmant V. Patil, Advocate for the Petitioner.  
Shri V. K. Kotecha, A.G.P. for the Respondent/State.

**CORAM : MANGESH S. PATIL AND  
SHAILESH P. BRAHME, JJ.  
DATE : 09 FEBRUARY 2024.**

**ORDER :**

. It is being pointed out that erroneously some order perhaps passed in some other matter has been reflected in the present petition and is being shown as having been passed on 12 January 2024.

2. Parties are unanimous that the actual order which has been shown to be passed on 12 January 2024 is out of context and not pertaining to the present matter. The order dated 12 January 2024 is recalled.

3. By order of which implementation is being sought was passed on 21 November 2017, the respondent Nos. 2 and 3 that is

the Collector, Aurangabad and the Superintendent of State Excise Aurangabad were directed to refund the amount to the petitioner within a period of three weeks.

4. It is now being stated in the affidavit in reply as also being submitted by the learned A. G. P. about review application having been preferred, together with application for condonation of delay in respect of order passed in the writ petition.

5. However, admittedly, the review application was preferred in the year 2018 and the order in the writ petition has not been stayed muchless modified. The respondents cannot be permitted to take a convenient stand of having preferred a review application for not implementing the directions of this Court.

6. Pursuant to the leave granted earlier the petitioner has to substitute the names of the respondent Nos. 2 and 3 within a period one week, failing which the matter shall stand dismissed. If amendment is carried out issue simple notice to the respondent Nos. 2 and 3 being substituted, returnable on 01.03.2024.

**[ SHAILESH P. BRAHME, J. ]      [ MANGESH S. PATIL, J. ]**

*bsb/Feb. 24*