

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

I.A.No. 3 In

Petition(s) for Special Leave to Appeal (Civil) No(s).13013/2013

(From the judgement and order dated 26/09/2012 in LPA No.179/2012 in C.W.P. No.5627/2012 of The HIGH COURT OF BOMBAY)

VISHWANATH SHIVRAM MHATRE

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA & ORS.

Respondent(s)

(For withdrawal of SLP and office report)

WITH I.A.Nos. 3-4 In SLP(C) NO. 13015-13016 of 2013

(For withdrawal of SLP and office report)

Date: 25/10/2013 These I.As. were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

HON'BLE MR. JUSTICE KURIAN JOSEPH

For Petitioner(s) Mr. Shivaji M. Jadhav, Adv.

Mr. Venkita Subramoniam T.R.

For Respondent(s) Mr. Aman Vachher, Adv.

Mr. Ashutosh Dubey, Adv.

Mr. Harsh Sharma, Adv.

Mr. P.N. Puri, Adv.

Ms. Asha Gopalan Nair ,Adv

UPON hearing counsel the Court made the following

O R D E R

When the matter was taken up on 6.02.2013, learned counsel for the petitioner in S.L.P. (C) No. 13013 of 2013 made the following statement:

"The property in question has been sold to Respondent No. 4 for a sum of Rs. 4.68 crores. Mr. Shrivastava, learned senior counsel appearing on behalf of the petitioner states that the petitioner is willing to offer a sum of Rs. 6.68 crores and to abide by all the conditions which have been put on respondent no. 4.

Let petitioner deposit a sum of Rs. 4.68 crores before this Court within four weeks from today to show his bona fide."

Thereafter, an application for extending the time for deposit was made and ultimately the petitioner has deposited a sum of Rs. 4.68 crore. Accordingly, notice was issued.

Now Interlocutory Applications for withdrawal of the special leave petitions have been filed.

Petitioner's assertion is that though he was ready and willing to pay higher amount, his offer was not accepted. In fact, petitioner offered a sum of Rs. 6.68 crores and further undertook to abide by all the conditions put on respondent No. 4. On such a

representation, he obtained the rule. Now by withdrawing the petition, he is trying to get out of the undertaking given by him.

We permit the petitioners to withdraw the special leave petitions.

However, in the background of the facts narrated above, we direct that out of the amount of Rs. 4.68 crores deposited by the petitioner in S.L.P.(C) No. 13013 of 2013 a sum of Rs. 2.68 crores shall be refunded to him along with interest. Rest of the amount shall be credited in the account of the State of Maharashtra.

The special leave petitions are dismissed as withdrawn with the aforesaid direction.

| (S.K. Rakheja)
| Court Master

| |(Indu Satija)
| |Court Master

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