

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9267 OF 2015

Pinky G. Shah

Hon.Secretary Kakad Nikam CHS Ltd.

.. Petitioner.

Vs.

The State of Maharashtra & Ors.

.. Respondents.

Mr. Ashish Kamat with Sajeed Mulani i/b RMG Law Associates
with Jayesh Mestry for the Petitioner.

Mr. S.D. Rayrikar for the State.

CORAM : A.K. MENON, J.

DATED : 16TH SEPTEMBER 2015

P.C. :

1. The present petition is filed impugning the order dated 20th August, 2015 and 2nd December, 2014 passed by respondent nos.2 and 3. The impugned orders were also subject matter of earlier writ petition bearing Writ Petition No.9003 of 2015 which was disposed of by the order dated 7th September, 2015. However, while disposing of the petition it was directed that the impugned order dated 20th August, 2015 would not be executed till today i.e. 16th September, 2015, in view of the fact that the revision application and interim application in that revision application was listed for hearing on 15th September, 2015 before

the appellate authority. However, in the present petition the petitioner has averred in paragraph 3.10 that although respondent no.1 was to hear revision application including the application for interim relief on 15th September, 2015, the appellate authority was not available to hear the revision application and accordingly the revision application remains to be heard but the interim protection is only till today. The prayers in the petition being identical to Writ Petition No.9003 of 2015. There is no reason to entertain this fresh petition except to afford an opportunity of seeking urgent hearing of revision petition before the appellate authority. Accordingly, the impugned order dated 20th August, 2015 shall not be executed till 30th October, 2015 before which the petitioners are at liberty to move the appellate authority for suitable relief. It is made clear that no further extension will be granted. The petition is disposed of.

2. The learned AGP who is present in the Court states that he will promptly communicate the order passed today to the revisional authority.

(A.K.MENON, J.)

CERTIFICATE

Certified to be true and correct copy of the
original signed Judgment/order.