

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6 OF 2015

Messrs. R.C. Bapu Trucking Centre

H.PDealer.

..

Petitioner

Vs

The Union of India and Others.

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Respondents

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Shri S.M. Railkar for the Petitioner.

Shri Mohamedali M. Chunawalla and Shri P.S. Gujar for the Respondent
No.1.

Ms. Raksha Thakkar and Shri Minoo Siodia i/by M/s. Rustamji &
Ginwala for the Respondent Nos.2 and 3.

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CORAM : A.S. OKA &

VLACHLIYA, JJ

DATED : 29TH OCTOBER 2015

PC.

. Heard learned counsel appearing for the Petitioner and the
learned counsel appearing for the first Respondent and the leaned
counsel appearing for the 2nd and third Respondents.

2. Perused the order dated 2nd January 2015 passed by the
learned Vacation Judge. The challenge is to the show cause notice. The
contention of the Petitioner is that with the full knowledge of the
second and third Respondents, he is running the business though the
dealership stands in the name of his brother.

3. Considering the controversy involved in the Petition and considering the fact that the challenge is only to the show cause notice, we dispose of the Petition by passing the following order.

ORDER :

- (a) It will be open for the Petitioner to file a reply to the show cause notice on or before 21st November 2015;
- (b) Appropriate orders shall be passed by the second and third Respondents on the show cause notice dated 10th December 2014 as expeditiously as possible and in any event, within a period of two months from the date of filing of the reply;
- (c) The order passed on the show cause notice be communicated to the Petitioner;
- (d) Till the date of communication of the order on the show cause notice to the Petitioner, the ad-interim relief granted on 2nd January 2015 shall continue to operate;

- (e) If the second and third Respondents decide to terminate the dealership agreement, the ad-interim relief shall continue to operate for a period of two weeks from the date on which the order on the show cause notice is communicated to the Petitioner;
- (f) We make it clear that no adjudication is made on merits of the controversy;
- (g) On the failure of the Petitioner to file a reply on or before 21st November 2015, the protection granted to the Petitioner shall stand automatically vacated;
- (h) The Petition is disposed of on above terms.

(V.L. ACHLIYA, J)

(A.S. OKA, J)