

pmw

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION NO.1207 OF 2015**

|                                           |                 |
|-------------------------------------------|-----------------|
| M/s. Glass Wall Systems (India) Pvt. Ltd. | ... Petitioner  |
| Vs.                                       |                 |
| State of Maharashtra and Ors.             | ... Respondents |

Mr. Ashok Mishra i/by M/s. Solicis Lex, for the Petitioner.  
Mr. J.S. Saluja, AGP, for the Respondent No.1.  
Mrs. Shobha Ajitkumar, for the Respondent No.2 – BMC.

**CORAM : A.S. OKA &  
REVATI MOHITE DERE, JJ.**

**DATE : 8<sup>th</sup> JUNE, 2015**

**PC.**

. By order dated 24<sup>th</sup> February, 2015, this Court issued a notice for final disposal. The learned counsel representing the second and third Respondents states that in deference to the observations made by this Court in order dated 24<sup>th</sup> February, 2015, the third Respondent is prepared to give hearing to the Petitioner and to pass a fresh order. We accept the said statement. In view of this statement, the impugned order dated 11<sup>th</sup> April, 2014 will have to be set aside by granting liberty to the third Respondent to pass a fresh order after giving an opportunity of being heard to the Petitioner.

2. As far as the claim for refund is concerned, after a fresh order is passed by the third Respondent, the Petitioner can agitate the said issue by filing appropriate proceedings in accordance with law.

3. Accordingly, we dispose of the Petition by passing the following order:-

**ORDER**

- (i) In view of the statement made by the learned counsel appearing for the second and third Respondents on instructions, the impugned order dated 11<sup>th</sup> April, 2014 is quashed and set aside;
- (ii) We direct the representative of the Petitioner to appear before the third Respondent on Monday 22<sup>nd</sup> June, 2015 at 11.00 am for fixing the date of hearing;
- (iii) It will be open for the third Respondent to pass a fresh order after giving an opportunity of being heard to the Petitioner;
- (iv) The order passed by the third Respondent shall be served upon the Petitioner. If the said order be adverse to the Petitioner, no coercive action shall be taken on the basis of the said order for a period of four weeks from the date on which the order is served upon the

Petitioner;

- (v) As far as the claim for refund is concerned, the liberty is granted to the Petitioner as indicated earlier;
- (vi) all contentions on merits are kept open;
- (vii) The Petition is disposed of on above terms;
- (viii) All concerned to act upon an authenticated copy of this order.

**(REVATI MOHITE DERE, J )**

**(A.S. OKA, J )**