

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

**WRIT PETITION NO.85 OF 2010**

**Asian Business Exhibitions &  
Conferences Ltd.**

**..... Petitioners**

**V/s**

**The Commissioner,  
Konkan Division & Anr.**

**..... Respondents**

Mr. P.M. Havnur a/w Mr. Najafiya Shroff for Petitioners.  
Ms. Iman Calcuttawalla, AGP for Respondents - State.

**CORAM : A.A. SAYED, J.**  
**DATED : 10 MARCH 2015**

**P.C.**

1 This Petition challenges an order dated 20 March 2009 passed by the Respondent No.2 - Additional Collector and the order dated 3 October 2009 passed by the Respondent No.1 – Commissioner, in Appeal. By the impugned order dated 20 March 2009 the Additional Collector directed that the amount of Rs.1,05,000/- deposited by the Petitioner be forfeited and balance amount of Rs.5,22,750/- be recovered from the Petitioners. The said order was carried in Appeal before the Commissioner and by the order dated 3 October 2009 the Commissioner directed the Petitioner to first deposit the entire amount of liability to prove his bona-fides. The Commissioner observed that the Appeal would be taken up for hearing only after the deposit is made.

2 On 26 October 2009 this Court issued rule and by way of interim relief stayed the order dated 20 March 2009 passed by the Respondent No.2 Additional Collector and directed the Respondent No.1 Commissioner to dispose of the Petitioners' Appeal within a period of two months from the date of the receipt of the order.

3 Today an Additional Affidavit is tendered on behalf of the Petitioners wherein it is stated that pursuant to the order of this Court, the Respondent No.1 passed an order dated 31 December 2009. The operative part of the order reads as under:

- “1 Appeal is partly allowed.
- 2 The impugned order bearing No.Maaji/Muuji/ka.ka./kaavi-384/2009, dated 20.03.2009 of the Additional Collector Mumbai Suburban Dist. Mumbai is set aside and the matter is remanded to the Additional Collector for passing fresh order as per law after giving sufficient hearing to the Appellant.
- 3 No orders as to costs.
- 4 Parties be informed accordingly.”

4 The aforesaid order was passed essentially on the ground that the impugned order is not a reasoned order and that a fresh inquiry needs to be made.

5 Considering the fact that the aforesaid order is passed during the pendency of this Petition and the Commissioner has remanded the matter

back to the Additional Collector, it would, in my view, be appropriate for the Petitioners now to appear before the Additional Collector, Mumbai Suburban District who shall pass a speaking order after hearing the Petitioners without being influenced by the earlier orders. The Additional Collector, Mumbai Suburban District shall now dispose of the matter within a period of two months from today.

6 In the event any favourable orders are passed, the amount of Rs.1,05,000/- shall be refunded to the Petitioners within two weeks after the date of passing of the order by the Additional Collector, Mumbai Suburban District.

7 All contentions of the parties are kept open.

8 In the event the order is not passed by the Additional Collector, Mumbai Suburban District within the stipulated period, it will be open for the Petitioners to take out appropriate proceedings.

9 The Writ Petition is disposed of in the aforesaid terms.

**(A.A. SAYED, J.)**