

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 293 OF 2015

IN

WRIT PETITION NO. 592 OF 2014

CHEMISTS AND DRUGGISTS
ASSOCIATION, THR. ITS GENERAL
SECRETARY SHRI. LYNDON D'SILVA AND
ANR.,

... Applicants

Versus

UNION OF INDIA, THR. THE MINISTRY
OF CORPORATE AFFAIRS AND 2 ORS.,

... Respondents

Adv. Gaurish N. Agni for the Applicant.
Adv. Mahesh Amonkar Cgsc For R.no. 1

Coram:- C. V. BHADANG, J.

Date:- 29th April, 2016

P.C.:

Heard learned counsel for the parties. This is an application for recalling the order dated 18/2/2015 by which the petitioner was permitted to withdraw the petition. A perusal of the order shows that on behalf of the petitioner a statement was made that the petitioner intends to withdraw the petition with leave to file appropriate proceedings before the Appellate Tribunal under the Competition Act, 2002. This was on the ground that the second respondent had raised an objection about the petitioner having an alternate remedy of an appeal under section 53-A r/w 53-B of the said Act.

2. The applicant now submits that no appeal lies against the

impugned order under section 53-A r/w section 53-B and it was under some misconception that it was submitted that an appeal would lie and that the applicant had an alternate remedy and the petition was sought to be withdrawn.

3. Considering the circumstances and the submissions, the application is allowed. The order dated 18/2/2015 is hereby recalled and the Writ Petition no.592 of 2014 is restored to the file. It is made clear that the question whether the impugned order is amenable to an appeal under section 53-A is left open.

C. V. BHADANG, J.

ap/-