

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.162 OF 2016

M/s. Narmada Offshore & Technical  
Service Pvt. Ltd.

.... Petitioners

Vs.

The State of Maharashtra & Ors.

.... Respondents

Mr. Chandrakant B. Thakar for the Petitioners.

Mr. N.D. Deshpande, AGP, for Respondent Nos.1 to 4.

**CORAM:** S.C. DHARMADHIKARI &  
G.S. KULKARNI, JJ.

**DATE :** APRIL 12, 2016

**P.C:**

1. The petitioners challenge an order passed on two rectification applications on 3-8-2013.

2. The present writ petition is filed on 4-1-2016.

3. Mr. Thakar would invite our attention to para 6, page 14 of this petition to urge that there is a reasonable explanation for the delay and of more than two-and-half years.

4. We have perused that explanation in para 6, page

14, and find that beyond blaming some Advocate, nothing substantial has been set out. We do not credit any Advocate now engaged or discredit any Advocate who was engaged then and before the Tribunal, so also the First Appellate Authority. The petitioners were aware that remedy of appeal could have been availed of against an adverse order of the Tribunal. The rectification applications which were dismissed by the impugned order on 3-8-2013, even that exercise could have been questioned in a reasonable time. We do not, therefore, countenance that the petitioners are remediless and because there is grave injustice that we should entertain the writ petition. The petitioners were advised by Advocate. Surely, the petitioners were aware of their remedies and in law. We cannot now, in writ jurisdiction, allow them to overcome the consequences flowing from non-availment of the remedies of appeal, etc., at the relevant time by entertaining this writ petition belatedly. Even otherwise, we do not find the explanation in para 6, page 14 to be reasonable and satisfactory. The writ petition is, therefore, dismissed.

(G.S. KULKARNI, J.)

(S.C. DHARMADHIKARI, J.)