

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1072 OF 2016

Optech Engg. Pvt. Ltd., Thane.	 Petitioner
V/s.	
The State of Maharashtra & Ors.	 Respondents

Mr. Ratan Samalo for the Petitioner.

Ms. Naira Jejeebhoy, Special Counsel, a/w.
Ms. Gauri Rao, A.G.P., for Respondent Nos.1, 3, 4
and 5.

CORAM : S.C. DHARMADHIKARI &
DR. SHALINI PHANSALKAR-JOSHI, J.J.

DATE : 14TH JUNE, 2016.

P.C. :

1. Having heard Mr. Samalo, learned advocate for the Petitioner, at some length and perusing the order of the first Appellate Authority and that of the Tribunal, we are of the opinion that the condition imposed is just, fair and reasonable. The discretionary power has been exercised in consonance with the materials produced. Since the order is not arbitrary or capricious, we do not interfere with the same in writ jurisdiction. Writ Petition is dismissed.

2. All observations made in the impugned order are tentative and prima facie and the same shall not influence the Appellate Authority while deciding the Appeal on merits.

3. If the condition imposed by the Tribunal is complied with within four weeks from today, the Appellate Authority shall decide the Appeal on merits and in accordance with law. In default, all consequences in law shall follow.

[DR. SHALINI PHANSALKAR-JOSHI, J.] [S.C. DHARMADHIKARI, J.]