

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2739 OF 2016

Reliable Paper Company, Mumbai. Petitioner

V/s.

The State of Maharashtra & Ors. Respondents

Mr. Ratan Samalo for the Petitioner.

Ms. Gauri Rao, A.G.P., for Respondent Nos.1, 2, 4 and 5.

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

DATE : 14TH JUNE, 2016.

P.C. :

1. Having heard learned advocate appearing for the Petitioner and perusing the interim orders, those passed by the first Appellate Authority and that of the Tribunal, we do not think that in cases which are not found to be genuine and required further probe and investigation, the determination or fixation of the part payment calls for any interference in our extra-ordinary, equitable and discretionary jurisdiction under Article 226 of the Constitution of India. The matter is yet to be decided finally. The Petitioner desires an opportunity to avail off appellate remedy and which law postulates cannot be availed off necessarily unconditionally.

2. In the circumstances, we do not think that the Tribunal was in any error in determining the part payment amount. The Petition is devoid of any merits and the same is dismissed.

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