

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7882 OF 2016

M/s. Crompton Greaves Limited

..Petitioner

v/s.

M/s. Gandhar Oil Refinery India Ltd.
& Ors.

..Respondents

Mr. Aspi Chinoi, ld. Senior Counsel a/w. Ankita Singhania a/w.
Z.A.Jariwala & Jyoti Ghag i/b. Thakore Jariwala & Associates for the
Petitioner.

Mr. Umesh Tiwari i/b. Ashwini Kumar for the Respondent no.1.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : JULY 11, 2016.**

P.C.

1. Not on board. On production, taken on board.
2. Heard Mr. Chinoi, learned Sr Counsel for the petitioner and Mr. Tiwari for the respondent no.1.
2. By this petition filed under Section 226 of the Constitution of India, 1950, the petitioner has challenged the order dated 27th June, 2016 passed by the Chairman, Micro Small Enterprise Facilitation

Council at Silvassa, Union Territory of Dadra & Nagar Haveli Secretariate, Silvassa. By the said order, the petitioner's application challenging the maintainability of the respondent no.1's reference is rejected. The impugned order is challenged on the ground that same is passed ex-parte without giving an opportunity of hearing to the petitioner.

3. Even the impugned order makes a reference that the petitioner was not present at the time of hearing and they had failed to submit the documentary evidence in support of their contention. Since the order was passed ex-parte, we are inclined to set aside the said order and remand back matter to the Council for decision afresh after giving opportunity of hearing to both sides.

4. The learned Counsel for the respondent having taken instructions from his client, Ms. Jayeshree Soni, who is present in the court, makes a statement that the respondent no.1 has no objection if the impugned order is set aside and the matter is remanded to the council to decide the petitioner's application afresh. The learned Counsel however contends that the council may be directed to decide the said application as expeditiously as possible.

He contends that the Chairman of the Council is available on 14th July, 2016 and he may be directed to hear the petitioner's application on that day itself. Mr. Chinoi, learned Senior Council for the petitioner states that he has no objection if the petitioner's application is heard by the council on 14.7.2016.

5. In the above facts and circumstances we dispose of the petition by passing following order:

- i) The impugned order dated 27th June, 2016 is quashed and set aside and the matter is remanded to the Micro Small Enterprise Facilitation Council at Silvassa, Union Territory of Dadra & Nagar Haveli Secretariate, Silvassa.
- ii) The Council shall decide the petitioner's application afresh after giving an opportunity of hearing and producing documents, to both the sides. The petitioner as well as the respondent no.1 shall remain present before the Chairman, Micro Small Enterprise Facilitation Council at Silvassa, Union Territory of Dadra & Nagar Haveli Secretariate, Silvassa at 3.00 p.m. on 14th July, 2016. The Chairman of the Council, if it is convenient to him is at liberty to hear the petitioner and the respondents on 14th July, 2016 or adjourn the

petitioner's application to another convenient date and pass an appropriate order.

iii) In any event, the Council shall decide the petitioner's application challenging the maintainability of respondent no.1's reference, as expeditiously as possible and preferably before 30th July, 2016.

6. All points and contentions are expressly kept open.

7. All concerned, to act on the authenticated copy of this order.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)