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

WRIT PETITION NO. 10504 OF 2016

Lokhandwala Construction Industries
Private Limited & Anr.

...Petitioners

Vs.

State of Maharashtra & Ors.

...Respondents

Mr. G.S. Godbole, Senior Advocate a/w. Mr. Jariwala
i/bb. Thakore Jariwala & Associates for the Petitioners
Mr. S.M. Oak a/w. Mr. Sagar Joshi, Advocate for Respondent No.3
Mr. P.P. Kakade, AGP for the State

**CORAM : SHANTANU S. KEMKAR &
M.S. KARNIK, JJ.**

DATED : 8TH SEPTEMBER, 2016

P.C. :

Parties through their Counsel. We find that before passing the impugned order dated 5th July, 2016 the matter was heard on 16th February, 2016 by the Respondent No.1, but neither the Petitioners nor the Complainant ie., Respondent No.3 were heard by the Respondent No.1. In the circumstances we are inclined to quash the impugned order dated 5th July, 2016 by directing the first Respondent to pass fresh order after giving due opportunity to the Petitioners, the

3rd Respondent and all concerned and effected parties.

2. The Respondent No.1 shall permit the parties to appear through their authorised representatives. The parties are at liberty to file written submissions also within 2 weeks from today.

3. The Respondent No.1 shall decide the matter afresh in accordance with law in terms of the aforesaid directions within 3 months from the date of appearance of the parties before Respondent No.1. All the parties to appear before the Respondent No.1 on 29th September, 2016. The Petition is accordingly disposed of.

(M.S. KARNIK, J.)

(SHANTANU S. KEMKAR, J.)