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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 5547 OF 2016

Chetak Co-Op. Housing Society Ltd. ... Petitioner
Vs.
The State of Maharashtra & Ors. ... Respondents

Mr. H. Toor, S. B. Pawar, Swati Sawant i/b S. K. Legal Associates, for
the Petitioner.

Mr. V. B. Thadani, AGP for the Respondent – State.

Mr. Mahendra Ghelani, Vikramsinh Yadav, Parikshit Desai i/b
Vikramsinh Yadav, for Respondent Nos. 8 to 12.

CORAM : V. M. KANADE, &
M. S. SONAK, JJ.

DATE : JULY 1, 2016

PC.

1. The Petitioner is aggrieved by an order passed by the Green Tribunal, dated 17th April, 2015. Perusal of the impugned order reveals that no reasons have been given while dismissing the application, save and except, there is a matter pending in this Court. No details have been mentioned in the order about pendency of the case in the High Court. It is well settled that before passing even an

interim order, reasons have to be given. The Tribunal in this case has disposed of the application without giving any reasons. The Tribunal in a cryptic order has observed as under:

“Heard learned Advocate for the Applicant.

Prima facie no case is made out. Since the Hon'ble High Court is seized of the matter and the Apex Court also considered the same and directed to the Hon'ble High Court to expedite the hearing. Consequently, the Application is dismissed in *limine*.”

2. In our view, on this ground alone the impugned order is set aside, and the matter is remanded back to the Tribunal. The Tribunal shall hear both the parties and decide the application on merits and in accordance with law. All contentions raised by both the parties in this petition are kept open. Writ petition is disposed of in the aforesaid terms.

Sd/-
[M. S. SONAK, J.]

Sd/-
[V. M. KANADE, J.]

Vinayak Halemath