

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Writ Petition No.4588 of 2015

M/s Videocon Industries Ltd., Aurangabad (M.S.) and another.

Vs.

M/s Hansa Travels, through its Proprietor, Dilip s/o Shantilal Chhajed, Nagpur and 2 others.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. M.B. Naidu, counsel for petitioner.

Mr. S. Dhole, counsel for respondent no. 1.

Ms. Joshi, AGP for respondent no. 3.

**CORAM : B.P. DHARMADHIKARI &
P.N. DESHMUKH, JJ.**

DATE : 18th April, 2016.

Heard for some time. Grievance of advocate Naidu is that though council initially wanted to satisfy itself about status of applicant before it (present respondent no.1.), lateron the said scrutiny has been given up and the matter is being taken up on merits. He points out that on 4.12.2013 an application raising the contention that as the investment of respondent no. 1 is more than two crores, it does not come under the category of small scale enterprises has been moved and that application is not decided.

Shri Dhole, learned counsel appearing for respondent no. 1 invited our attention to reply affidavit. According to him, though application has been filed, written statement on merits is also presented and after considering the matter for conciliation, the members of council found that conciliation is not possible and

therefore they have proceeded further to examine the matter on merits. He also submits that there was vacancy in the council for about two years and hence no meeting could take place.

It is not in dispute that proceedings before respondent no. 2 council are quasi judicial proceedings. The objection raised by petitioner, therefore, cannot be ignored and need decision. The various proceedings of council to which our attention has been drawn by both sides do not show that said objection has been either decided or is waived by petitioner or by council.

Shri Dhole submits that petitioner has raised preliminary objection before the council and it has also moved an application. If the said objection is decided in time bound manner, he has no objection.

Accordingly, without observing anything on merit and as we find that objection raised by petitioner has yet not been decided, we direct respondent no.2 to consider said objection in accordance with law within a period of four months.

Writ petition is thus disposed of. No costs.

JUDGE

JUDGE