IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9185 OF 2017

1 Tanajirao Tatyasaheb Kokare)
Adult, Occupation-Agriculturist)
R/at: Pandare, 413110, Taluka-Baramati)
District Pune)

2 Balasaheb Patil Taware)
Adult, Occupation-Agriculturist)
R/at: At post Shivnagar,)
Dtaluka Baramati, District Pune)

3 Shivajirao Nanasaheb Jagtap)
Adult, Occupation-Agriculturist)
R/at: Pandare, 413110, Taluka-Baramati)
District Pune)

4 Sangita Balasaheb Kokare)
Adult, Occupation-Agriculturist)
R/at: Pandare, 413110, Taluka-Baramati)
District Pune)

5 Ramchandra Narayanrao Deokate)
Adult, Occupation-Agriculturist)
R/at: Nirwagaj, Taluka Baramati)
District Pune)

6 Vilas Rishikant Deokate)
Adult, Occupation-Agriculturist)
R/at: Mekhali, Taluka-Baramati)
District Pune)

7 Madanrao Tanajirao Deokate)
Adult, Occupation-Agriculturist)
R/at Post Nira Wagaj Taluka Baramati)
District Pune)

8 Anil Nanasaheb Jagtap)
Adult, Occupation-Agriculturist)
R/at: Pandare, 413110, Taluka-Baramati)
District Pune)

9 Bhagatsinh Hanumantrao Jagtap)
Adult, Occupation-Agriculturist)
R/at: Pandare, 413110, Taluka-Baramati)
District Pune)

10 Madhavrao Shankarrao Dhawan)
Adult, Occupation-Agriculturist)
R/at: Malegaon Colony, 24, Phata)
Taluka Baramati, District Pune)

11 Vasantrao Baburao Taware)
Adult, Occupation-Agriculturist)
R/at: Malegaon, Taluka-Baramati)
District Pune)

12 Prakashrao Bhikoba Taware)
Adult, Occupation-Agriculturist)
R/at: Sangavi, Taluka-Baramati)
District Pune)

13 Karan Sambhajirao Khalate)
Adult, Occupation-Agriculturist)
R/at: Kambaleshwar, Taluka-Baramati)
District Pune)

14 Dattatray Ganpatrao Gaware)
Adult, Occupation-Agriculturist)
R/at: 24 Phata, Gaware Vasti,)
Taluka-Baramati, District Pune)

15 Satish Harishchandra Taware)
Adult, Occupation-Agriculturist)
R/at: Pavane Wadi, Malegaon)
Taluka-Baramati District Pune)

16 Govindrao Ramchandra Deokate)
Adult, Occupation-Agriculturist)
R/at: Nira Wagaj, Taluka-Baramati)
District Pune)

17 Ramdas Tukaram Atole)
Adult, Occupation-Agriculturist)
R/at: 22 Phata, Khandaj Taluka-Baramati)
District Pune)

18 Rajendra Sakharam Burungale Adult, Occupation-Agriculturist R/at: 22 Phata, Shivnagar 413116, Taluka-Baramati District Pune	))))	
19 Vitthalrao Ramchandra Deokate Adult, Occupation-Agriculturist R/at: Mekhali, Taluka-Baramati District Pune	))))	..Petitioners

Versus

1 The State of Maharashtra through its Secretary to the Department of Cooperation, Textile & Marketing having his office at Mantralaya, Mumbai	))))	
2 The Commissioner of Sugar having office at Sakhar Sankul, Agricultural College Compound Shivaji Nagar Pune 411 005	))))	
3 The Regional Joint Director (Sugar) Pune Division, having office at Sakhar Sankul, Shivaji Nagar, Pune 411005	)))	
4 Malegaon Sahakari Sakhar Karkhana Limited A Cooperative Society registered under the Cooperative Societies Act, 1960 having office at Shivnagar, Taluka Baramati, District Pune, through its Managing Director	)))))))	
5 Vasantdada Sugar Institute, A Sugar Industry Research Institute & Consultant, preparing DPRs & Feasibility Appraisal Reports, through its Director General having Office at Manjari Bk., Pune 412 307.	))))))	...Respondents

Mr. Y. S. Jahagirdar, Senior Advocate a/w Mr. S. S. Kanetkar for the Petitioners
Mr. A. V. Anturkar Senior Advocate a/w Ms Manisha Jagtap i/b J. Shekhar & Co. for the Respondent No.4
Ms Kavita Solunke AGP for the Respondent State

CORAM :R. M. SAVANT, &
SANDEEP K. SHINDE, JJ
RESERVED ON: 8th September, 2017
PRONOUNCED ON : 27th September 2017

JUDGMENT (PER R. M. SAVANT J.)

1 Rule, considering the challenge raised heard forthwith.

2 The above Writ Petition takes exception to the orders dated 13-6-2017 and 17-6-2017 passed by the Director of Sugar granting financial and administrative approval for the modernization of the sugar factory and distillery respectively, in so far as the Respondent No.4 sugar factory is concerned. The Respondent No.5 is a formal party as no reliefs are claimed against the said Respondent.

3 The Respondent No.4 is a co-operative sugar factory (sakhar karkhana) registered under the provisions of the Maharashtra Co-operative Societies Act, 1960 (for short the MCS Act). The Respondent No.4 has approximately 14,000 members on its roll. The above Petition has been filed by the Petitioners who claim to be "A" class members out of which 6 Petitioners

are the Directors of the Respondent No.4 and therefore the members of the board of the Respondent No.4. The genesis of the impugned orders passed by the Director of Sugar lies in the order dated 11-4-2017 of a Division Bench of this Court in PIL No.20 of 2006. The said PIL had arisen out of the letter dated 15-6-2005 addressed by one Shri Ashok Kulkarni who had worked as Project Consultant and Co-ordinator for various sugar factories to the Hon'ble the Chief Justice of this Court regarding the conditions of the sugar factories in the State of Maharashtra. The said letter came to be treated as a PIL wherein the said Shri Ashok Kulkarni was shown as the Petitioner. This Court in the said PIL has passed orders from time to time including one directing the Commissioner of Co-operation not to issue any permission for the establishment of any new sugar factories. On 14-3-2011 a Division Bench of this Court directed the State Government and the Commissioner of Co-operation not to give any permission to any sugar factory for expansion, modernization, alteration without the leave of this Court.

4 It is pursuant to the said order dated 14-3-2011 passed in the said PIL, the Respondent No.4 filed a Civil Application being No.139 of 2016 seeking a direction to be issued to the Respondent No.2 to grant permission to the Respondent No.4 for modernization of its sugar factory and distillery and expansion of co-generation capacity from 21MW per day to 36MW per day. The Petitioners herein had filed Civil Applications being Nos.145 of 2016 and

12 of 2017, opposing the relief sought by the Respondent No.4. Along with the Respondent No.4 some other co-operative sugar factories had also filed Civil Applications for the same relief.

A Division Bench of this Court (V. M. Kanade and C. V. Bhadang JJ.) after considering the said Civil Applications by order dated 11-4-2017 observed that it was not possible for it to entertain the Civil Applications seeking expansion, modernization and repairing and therefore directed the Commissioner of Sugar to consider such Applications on their own merits and in accordance with law. It was observed by the Division Bench that while examining the said Applications, the Commissioner of Sugar shall keep in mind the parameters which are laid down in various orders passed by this Court in the said PIL. In the context of the challenge raised in the instant Petition, paragraph 4 of the said order assumes some importance and is therefore reproduced hereinunder for the sake of ready reference :

> "4. We are of the view that it will not be possible for this Court to entertain the application for expansion/ modernisation/ alteration/ addition programme. It is therefore, clarified that the Commissioner of Sugar shall examine each application to its aforesaid extent on merits and in accordance with law and it is no longer necessary to seek leave of this Court for that purpose. In view of this, all civil applications are disposed of. It is clarified that while examining the applications which are received, the Commissioner of Sugar shall keep in mind the parameters, which are laid down in various orders passed by this Court from time to time."

5 The State Government has issued circulars for streamlining the

procedure for consideration of the applications filed by the sugar factories for various permissions. In the circular dated 9-4-2009 the State Government has provided that such applications should be routed through the Regional Director of Sugar. It is further made clear that applications not rooted through the Regional Director of Sugar would not be considered. By a further circular dated 23-12-2009 the Regional Directors of Sugar have been informed that they are to ensure that the proposals are accompanied by the documents mentioned in the said circular. The said circular enumerates the documents which are to accompany the applications for such permissions, amongst the documents are the “Health Certificate” and the Detailed Project Report (DPR for short). The said circular provides that the proposal should be submitted by the Regional Director of Sugar after all the defects are removed so that approval to the proposal can be granted expeditiously. Then there is a circular dated 30-8-2003 which makes out suggestions as regards the preparation of the DPR.

6 The Respondent No.4 herein applied for financial and administrative approval for modernization of the distillery to the Commissioner of Sugar on 3-5-2017. The Respondent No.4 also applied for the financial and administrative approval for the modernization of the sugar factory on 5-6-2017. It seems that the Respondent No.4 had simultaneously applied to the Vasantdada Institute of Sugar, Pune (VIS for short), for preparing the DPR.

The VIS had submitted its report in May 2017 to the Respondent No.4 which was accordingly forwarded to the office of the Commissioner of Sugar by the Respondent No.4. The Respondent No.4 had also as per the requirement submitted a Health Certificate. The Commissioner of Sugar by the impugned orders dated 13-6-2017 and 17-6-2017 accorded financial and administrative approval to the modernization of the distillery and the sugar factory respectively. The Commissioner of Sugar has in the impugned orders referred to the gist of the DPR and the balance sheet of the Respondent No.4 Karkhana which was submitted by it and accorded approval to the expenditure of Rs.3200.64 lakhs for the modernization of the distillery and for the expenditure of Rs.3843.66 lakhs for the modernization of the sugar factory. As indicated above it is the said two orders dated 13-6-2017 and 17-6-2017 which are taken exception to by way of the above Petition.

7 On behalf of the Respondent No.4, the Learned Senior Counsel Mr. A. V. Anturkar took a preliminary objection to the maintainability of the above Petition on the ground of the availability of an alternate remedy by way of the Revision under Section 154 of the MCS Act. According to the Learned Senior Counsel, the impugned orders are passed in a "proceeding" and would therefore be covered by Section 154 of the MCS Act. Reliance is placed by the Learned Senior Counsel on the Full Bench Judgment of this Court in the matter of **Shireen Sami Gadiali & Anr Vs. Spenta Co-op Hsg Soc Ltd,**[1] in support of

1 **2011(3) Mh. L.J. 486**

the said contention.

8 Per contra, the Learned Senior Counsel appearing for the Petitioners Mr. Y. S. Jahagirdar would contend that the orders passed by the Commissioner of Sugar are not under any of the provisions of the MCS Act and therefore the remedy by way of an Revision under Section 154 is not available. The Learned Senior Counsel would further contend that since the Petitioners are alleging breach of the principles of natural justice in as much as the Petitioners not being heard, they are entitled to invoke the Writ Jurisdiction of this Court. The Learned Senior Counsel would further contend that the impugned orders have been passed by the Commissioner of Sugar by not following the mandate of the orders passed by this Court in the said PIL No. 20 of 2006. In so far as the preliminary objection is concerned, the Learned Senior Counsel would contend that in view of the endorsement made by the Hon'ble Minister for Co-operation on the applications made by the Respondent No.4 to the effect that the said applications be considered, it would be an exercise in futility to approach the State Government in Revision.

9 On merits it was the submission of the Learned Senior Counsel Mr. Jahagirdar that the orders passed by the Commissioner of Sugar are not speaking orders and do not reflect the consideration by the Commissioner of the Health Certificate and the DPR. It was the submission of the Learned

Senior Counsel that the circulars issued by the State Government have not been followed. It was also the submission of the Learned Senior Counsel that the Respondent No.4 has projected its financial position by reflecting the pledged amount which is lying with it. The Learned Senior Counsel would contend that inspite of there being a shortage of molasses to the extent of 10,000 tonnes, the financial and administrative approval has been granted by the Commissioner of Sugar. The Learned Senior Counsel would therefore contend that the impugned orders are required to be interfered with in the Writ Jurisdiction of this Court.

10 Per contra it was the submission of Mr. Anturkar the Learned Senior Counsel appearing for the Respondent No.4, that the Respondent No.4 has followed the procedure prescribed for submission of its proposal for modernization of its distillery and sugar factory. The Learned Senior Counsel drew this courts attentions to the fact that the proposal was routed by the Respondent No.4 through the Regional Director of Sugar. It was the submission of the Learned Senior Counsel that whilst considering the applications filed by the Respondent No.4 for according financial and administrative approval, it was not necessary to hear the Petitioners as what was contemplated by the order passed by the Division Bench dated 11-4-2017 was to consider the applications filed by the sugar factories for permissions and not the applications filed by other parties objecting to the applications.

The Learned Senior Counsel would submit that assuming that the circulars issued by the State Government were not followed in letter and spirit, the interference of this Court in its Writ Jurisdiction is not warranted. Reliance is placed on the following judgments of the Apex Court in the matter of **R. Abdulla Rowther Vs. The State Transport Appellate Tribunal, Madras & Ors.**[2] and in the matter of **Kumari Regina Vs. St. Aloysius Higher Elementary School & Anr.**[3]

11 The Learned Senior Counsel would next contend that there is a close proximity between the filing of the application and the submission of the DPR by the VIS as the Respondent No.4 had after making the application had concurrently started the process for obtaining the DPR from the VIS. The Learned Senior Counsel would contend that the apprehension of the Petitioners are misfounded as the Respondent No.4 has not applied for any Government assistance but has arranged finance from the NCDC. The Learned Senior Counsel would lastly contend that the Respondent No.4 has already dismantled the old machinery for facilitating the modernization and has placed orders for machinery worth Rs.21.62 crores and also paid an amount of Rs.17 crores for harvesting and transportation of the sugarcane for the ensuing crushing season. It is therefore imperative that the work of modernization is completed before the crushing season commences towards the end of the year.

2 **AIR 1959 Supreme Court 896(V 46 C 125)**
3 **(1972) 4 Supreme Court Cases 188**

12 Having heard the Learned Senior Counsel for the parties, the issue which is required to be addressed at the outset, is the issue of whether the Petitioners are required to be relegated to the remedy by way of a Revision under Section 154 of the MCS Act. The impugned orders dated 13-6-2017 and 17-6-2017 as indicated above passed by the Commissioner of Sugar accord financial and administrative approval submitted by the Respondent No.4 for modernization of the distillery and sugar factory. The said orders have been passed by the Commissioner of Sugar as the application filed by the Respondent No.4 was relegated to him by the order dated 11-4-2017 passed by the Division Bench of this Court in the said PIL No.20 of 2006. The application filed for modernization of a sugar factory is not referable to any provision of the MCS Act. In so far as the proceeding under Section 154 is concerned, it can be filed against an order passed in any proceeding under the MCS Act. We are unable to accept the contention of the Learned Senior Counsel Mr. Anturkar that the application made by the Respondent No.4 for modernization would be a proceeding within the meaning of Section 154. The word proceeding would have to take its colour from the word inquiry appearing in the said provision by applying the principal of ejusdem generis.

13 In so far as the exercise of power by the State Government under the said provision i.e. Section 154 is concerned an exception is carved out

namely that the inquiry or proceeding referred to in sub Section (9) of Section 149 are excluded from the provision of Section 149. Implicit in the said fact is the fact that the inquiry or proceeding contemplated in Section 154 has to be under the said MCS Act. In the instant case the application filed by the Respondent No.4 for modernization is not ascribable to any provision of the said MCS Act.

14 Though there can be said to be a thin line separating a quasi judicial order from an administrative order, in our view since in passing the order granting financial and administrative approval, no lis is decided by the Commissioner of Sugar, the impugned orders partakes the character of administrative order and therefore the remedy by way of a Revision under Section 154 cannot be resorted to. Having reached the aforesaid conclusion and though it is not necessary for us to deal with the other contentions urged by the Learned Senior Counsel in support of the maintainability of the above Petition, we deem it appropriate to deal with the said contentions also. In so far as the contention of the breach of the principles of natural justice are concerned. As indicated above, the Division Bench by its order dated 11-4-2017 directed the consideration of the application filed by the Respondent No.4 for modernization though Civil Applications filed by the Petitioners objecting to the Civil Application filed by the Respondent No.4 were also listed before the Division Bench, the order of the Division Bench cannot be construed

to mean that the Petitioners were required to be heard by the Commissioner of Sugar. Hence apart from the fact that the orders passed on the application filed by the Respondent No.4 are administrative orders and no lis between the parties was to be decided, the contention of the Petitioners if accepted, would give rise to a new jurisprudence were even in respect of administrative orders the objections would have to be considered and dealt with by the concerned Authority. Hence we do not find any infirmity in the orders on the grounds of violation of principles of natural justice. In so far as the endorsement on the application made by the Hon'ble Minister for Co-operation is concerned, as indicated above the said endorsement directs the proposal to be put up expeditiously. In our view, the said endorsement has the effect of creating a reasonable apprehension in the Petitioners that approaching the State Government would be futile when the Hon'ble Minister for Co-operation who is in charge of the Department concerned has made an endorsement. Having regard to the dictum that justice should not only be done but should also be seen to have been done, we hold that the above Petition is maintainable.

The judgment of the Full Bench in Spenta Co-operative Societies case (supra) holds that after the amendment in the year 1974 to Section 154 a remedy by way of a revision is available to an aggrieved party as a matter of right. However, the Full Bench has observed that no general rule where it will always operate as an alternate remedy can be laid down. The question will have to be considered in the facts of each case. As indicated above having regard to the facts of the present case, the remedy by way of a Revision cannot be an alternate remedy to which the Petitioners can be relegated.

15 Now coming to the aspect of the violation of the circulars issued by the State Government. In so far as the said circulars are concerned, the circular dated 30-8-2003 provides for the manner in which the DPR is required to be prepared. In so far as the circular dated 9-4-2009 is concerned, it provides for the proposal seeking various permissions by the sugar factories to be routed through the Regional Director of Sugar and in so far as circular dated 23-12-2009 is concerned, it provides for the documents which are to be annexed to the proposals. Based on the circular dated 23-12-2009 it was the submission of the Learned Senior Counsel appearing for the Petitioners that the said circular stipulates the priorities in which the documents mentioned therein are to be obtained and it is only after obtaining all the documents that the proposal can be submitted. We are unable to accept the said submission of the Learned Senior Counsel appearing on behalf of the Petitioners, the said circular dated 23-12-2009 only provides for the documents which are required to be submitted along with the proposal, reading of the circular in the manner suggested by the Learned Senior Counsel would be a misreading of the said circular. As indicated above, it is the case of the Respondent No.4 that whilst it submitted its proposal for modernization, it simultaneously applied for the DPR to the VIS and the DPR was before the Commissioner of Sugar before he

took a decision on the proposal of the Respondent No.4. It is not the case of the Petitioners that the Respondent No.4 did not submit the documents as contemplated in the circular dated 23-12-2009. If that be so, the order cannot be said to be vitiated on the ground that the proposal was not submitted after obtaining the Health Certificate and the DPR. There can also be no dispute about the fact that the proposal was routed through the Regional Director of Sugar who forwarded the same to the Commissioner of Sugar with his remarks. The Learned Senior Counsel appearing for the Respondent No.4 had brought for our perusal the proposal submitted through the Regional Director of Sugar. In our view, therefore, the orders do not suffer from any infirmity or illegality on account of the alleged non compliance of the circulars.

16 At this stage, a useful reference could be made to the judgments cited by the Learned Senior Counsel appearing for the Respondent No.4 in R. Abdulla Rowther's case (supra) the facts were that Section 43A of the Motor Vehicles Act entitled the State Government to issue administrative or executive orders which were not required to be published and not even to be made known to the persons applying for permissions. The said administrative instructions were issued for the information and guidance of the authorities issuing the permits. The said instructions are not in the nature of statutory rules having the force of law. The Apex Court held in the said case that their breach even if patent could not justify the issue of Writ of Certiorari.

17 In Kumari Regina's case (supra) the Government had framed rules for the grant of recognition and aid to the schools under the Madras Elementary Education Act, 1920. The said rules were in the form of administrative instructions. If such rules were to laid down the Government can insist that satisfaction of such conditions would entail the denial of withdrawal of recognition or aid. The rule thus governing the terms which the Government would grant recognition and aid the Government can therefore enforce those rules upon the management. The Apex Court held that the enforcement of such rules is a matter between the Government and the management and a third party, such as a teacher aggrieved by some order of the management cannot derive from the rules any enforceable right against the management on the ground of breach or not compliance of any of the rules.

18 In our view, the judgments supra support the case of the Respondent No.4 that even if there is some infraction of the circulars, the same does not create any enforceable right in favour of the Petitioners for the Writ Jurisdiction of this court to be exercised.

19 As regards the aspect of the violation of the principles of natural justice on the ground that the Petitioners were not heard, we have already

dealt with the said issue whilst dealing with the preliminary objection. To further elaborate on the said issue, the right to a hearing is claimed on the basis of the order dated 11-4-2017 passed by the Division Bench in the said PIL No.20 of 2006. It is required to be noted that the Civil Application filed by the Respondent No.4 was seeking permission from this Court for modernization of its distillery and sugar factory. The said Civil Application filed by the Petitioners as indicated above was listed along with the Civil Applications filed by the other sugar factories. The Civil Applications filed by the Petitioners were objecting to such permission being granted by the Division Bench. The Division bench did not deem it appropriate to consider the Civil Applications for modernization and directed the Commissioner of Sugar to do so who is undoubtedly the authority vested with the said power. Hence what was to be considered by the Commissioner of Sugar was the application of the Respondent No.4 for modernization. The said order passed by the Division Bench therefore cannot be interpreted to mean that all the parties were required to be heard and thereafter the Commissioner of Sugar was to pass a reasoned order. It would have to be borne in mind that the approval to be granted by the Commissioner of Sugar is the financial and administrative approval to the modernization of the Respondent No.4. The Commissioner of Sugar was therefore was not deciding any lis between the parties. The order passed by the Commissioner of Sugar therefore partakes the character of an administrative order and therefore though there is a thin line separating an administrative order from a quasi judicial order in the facts of the present case where the orders passed by the Commissioner of Sugar are not ascribable to any provision of the MCS Act, we are of the view that the necessity to hear the Petitioners was obviated.

The issue has to be looked at from one more perspective, the Respondent No.4 has in its General Body meeting dated 26-9-2016 passed a Resolution for modernization of its sugar factory and distillery. The Petitioners have challenged the said Resolution by filing a Dispute under Section 91 being Dispute Application No.46 of 2017. Hence the Petitioners have invoked the jurisdiction of a forum where they can ventilate their grievance as regards the decision taken by the General Body of the Respondent No.4 in respect of modernization. In our view therefore it is in the said proceedings that the legality or otherwise of the Resolution passed by the General Body of the Respondent No.4 would be gone into. The Petitioners therefore cannot be heard to say that they ought to have been heard by the Commissioner before granting financial and administrative approval for modernization. We therefore do not find that there is any violation of the principles of natural justice in so far as the orders passed by the Commissioner of Sugar are concerned.

20 It is required to be noted that in the Dispute filed by the

Petitioners being No.46 of 2017, the Petitioners had filed an application for interim reliefs i.e. to stay the effect and implementation of the said Resolution. The said Application filed by the Petitioners was rejected by the Co-operative Court. It is thereafter that the instant Petition has been moved by the Petitioners. The Respondent No.4 has placed on affidavit the events which have taken place after the financial and administrative approval was granted by the Commissioner of Sugar. It has been averred in the said affidavit that an amount of Rs.17 crores for harvesting and transportation of sugarcane for the ensuing crushing season has been expended. The factum that the old machinery upto 80% being dismantled and an amount of Rs.21.62 crores being disbursed upto 30th August 2017 towards the purchase of machinery has come on record. The said purchase has been made by calling for tenders. The tenders received were submitted to the State Level Purchase Committee which has approved the purchase. The crushing season for the year 2017 would begin towards the year end and hence it is imperative that the work of modernization is completed at the earliest. It is also required to be noted that the Respondent No.4 has not taken any financial assistance from the State Government and has taken loan from the NCDC. Hence the apprehension of the Petitioners on the ground that the finance is being taken from the State Government is assuaged. The fact that the Resolution was passed by the General Body unanimously and the Managing Committee by a majority is also to be taken into consideration whilst adjudicating upon the above Petition. It is also required to be borne in mind that the Petitioners appear to be a minority group which is opposing the modernization of the sugar factory and distillery.

21 Hence for the reasons aforestated, we do not deem it appropriate to interdict with the decision taken by the Commissioner of Sugar vide the impugned orders dated 13-6-2017 and 17-6-2017, in our Writ Jurisdiction under Article 226 of the Constitution of India, the Writ Petition is accordingly dismissed. Rule discharged, with parties to bear their respective costs.

[SANDEEP K. SHINDE, J] **[R.M.SAVANT, J]**