

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST.)NO.26509 OF 2017

Mr. Harshad C. Desai & Others .. Petitioners.
v/s.
Grievance Redressal Committee
& Others .. Respondents.

Mr. Pradeep Thorat, with Mr. Nitesh Acharya i/b. Mr. Tushar Kochale, for the Petitioners.

Ms. Jyoti Jadhav, AGP for Respondent-State.

Ms. Pooja Kshirsagar with Mr. Bharat Jain i/b. M/s. LC Legal, for Respondent No.4.

CORAM: M.S.SANKLECHA, J.

DATE : 6th OCTOBER, 2017.

P.C:-

The Petitioner has moved for urgent reliefs.

This Petition under Article 227 of the Constitution of India, challenges the decision dated 7th September, 2017 of Respondent No.1- Grievance Redressal Committee (GRC), constituted under the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment), Act, 1971 (the Act). By the impugned decision dated 7th September, 2017 as reflected in the Roznama, the Petitioner's request for time to enable to consider the affidavit in reply filed by Respondent No.4 – M/s. Sanjay Construction and Finance Pvt. Ltd., and received by the Petitioner during the hearing on 7th September, 2017, was rejected and the appeal filed under Section 35(1A) of the Act, was closed for orders.

2 The Respondent No.1 is an Appellate Body which, *inter alia*, decides dispute between slum dwellers and builders under the Act, entertaining appeals under Section 35(1A) of the Act from the orders passed under Section 35(1) of the Act. The Respondent No.1 as a quasi judicial Appellate Body, deciding lis between the parties. Thus, obliged to follow principles of natural justice i.e. fairness in procedure which involves giving fair opportunity to the parties, before it, to present their case. In the present case, on 7th September, 2017, the Roznama reflects that a request made by the Petitioner to make submissions after considering the affidavit in reply received by the parties during the hearing, was refused. Consequently, it would be a classic case of a breach of the Audi Alteram Partem Rule i.e. no person should be condemned unheard. In the above view, the impugned decision dated 7th September, 2017 is not sustainable in law and is set aside.

3 Ms. Jadhav, learned Addl. G. P. informs me that Respondent No.1-GRC is scheduled to assemble/ meet to hear the appeals before it on 12th October, 2017. It would, therefore, be appropriate that the parties herein appear before the Respondent No.1 on 12th October, 2017 at the comment of its sitting and points out this order. This would enable the Respondent No.1 to hear the Petitioner either on that date or any other date as convenient to it. On the date or on any further date to which the Respondent No.1 grants/adjourns the hearing, the Petitioner would address it and not seek any adjournment.

4 Mr. Acharya, learned Counsel appearing for the Petitioner states that the Petitioner would make their submissions in respect of the appeal filed by them before Respondent No.1-GRC on 12th October, 2017

or any other date which is convenient to 1st Respondent.

5 It is made clear that parties will co-operate for the early disposal of the dispute by the Respondent No.1- GRC and an unreasonable request for adjournment, will not be made.

6 **Petition disposed of** in the above terms. No order as to costs.

(M.S.SANKLECHA,J.)