

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

WRIT PETITION NO. 13449 OF 2016

Premier Dyes Corporation

..Petitioner

v/s.

The Addl. Collector & Competent Authority
& Ors.

..Respondents

Mr. Rajesh Datar for the Petitioner.

Ms. R.M.Shinde, AGP for the Respondent/State.

Ramkisan Baburao Chavan (Awwal Karkun) from ULC Thane, present

**CORAM : SHANTANU KEMKAR &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : SEPTEMBER 18, 2017.**

P.C.

. Feeling aggrieved by the Order dated 31st March, 2015 passed by the respondent no.1, as also the Order dated 23rd March, 2016 passed by the respondent no.3, the petitioner has filed this petition.

2. According to the learned Counsel for the petitioner, the impugned orders record the finding that since the petitioner was not present personally and was present through his attorney, whose power of attorney was not registered, the petitioner has been non-

sued. It is also the case of the petitioner that though the required information and the documents were submitted, but the same have not been taken into consideration by the said authority and the impugned orders have been passed, observing that since the petitioner failed to remain present personally and failed to provide necessary information, the petitioner cannot be granted the relief as prayed.

3. According to the petitioner, the attorney was duly authorized and he had submitted all the documents, but they have not been considered and the impugned order has been passed.

4. Having considered the submissions made by the learned Counsel for the petitioner, as also the learned AGP, we are of the view that in the interest of justice, the matter requires to be remitted back to the respondent no.1 for deciding the petitioners case afresh. The petitioner be permitted by the Authority to appear through his authorized Advocate.

5. The said representative of the petitioner is permitted to submit the necessary documents, and is also permitted to file additional documents, and to argue the matter.

6. The said advocate to appear before the first respondent on 4th October, 2017 at 11 a.m.
7. The first respondent, shall on that date, or within two months from the said date, shall pass appropriate orders in the matter after giving opportunity of hearing as aforesaid.
8. With the aforesaid directions the petition is disposed of.
9. Needless to state that we have not commented on the merits of the matter.
10. Parties to act on an authenticated copy of this order.

(ANUJA PRABHUDESSAI, J.)

(SHANTANU KEMKAR, J.)