

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
REVIEW PETITION (L) NO. 10 OF 2017
IN
WRIT PETITION NO. 854 OF 2007
WITH
NOTICE OF MOTION (L) NO. 101 OF 2017

Sri Mangal Murty Marketing .. Petitioner
V/s
State of Maharashtra & Ors. .. Respondents

Mr. B.B. Parekh for the petitioner.
Mr. G.W. Mattos, AGP for the State.

**CORAM: DR. MANJULA CHELLUR, CJ. &
M.S. SONAK, J.**

DATE : 23rd MARCH 2017

P.C.:

Not on board. Mentioned.

Heard learned counsel for the review petitioner and the learned AGP for the State.

2. Delay in filing the review petition is condoned.
3. At the time of disposal of the matter before this Bench on 29th November 2016, it was submitted that the issue involved in Writ Petition No. 854 of 2007 is the same as in Writ Petition No. 432 of 2007 and others (N.V. Marketing Pvt. Ltd. vs. State of Maharashtra & others). Since on earlier occasion, a Division Bench of this Court had dealt with the similar matter, we disposed of the matter in terms of

the order dated 14th August 2009 in Writ Petition No. 432 of 2007 and other connected matters.

4. Subsequently it is brought to our notice that one of the Judges on the Bench was a party to the Division Bench judgment in W.A. No.2251 of 2007 and connected matters on the file of High Court of Karnataka at Bangalore, which came to be disposed of on 27th December 2010. The issue involved in those appeals is similar to the issue involved in Writ Petition No. 854 of 2007. This was purely an oversight on the part of the learned counsel appearing for the petitioner as well as the learned Government Advocate not to bring to the notice of the Court the earlier judgment of the Karnataka High Court.

5. In that view of the matter, since the opinion expressed by one of the members of the Bench sitting at the High Court of Karnataka at Bangalore is quite contrary to the opinion expressed by the Division Bench in Writ Petition No. 432 of 2007, we review the order dated 29th November 2016 and restore the writ petition to its original state.

6. List the matter before another Bench.

M.S. SONAK, J.

CHIEF JUSTICE