

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 11219 OF 2018

Ganesh Goods Transport Company
Through its Proprietor
Ajay s/o Gulabrao Pawar
Age 46 years, occ. business
r/o 29, Sahakar Nagar, Aurangabad
Dist. Aurnagabad.

Petitioner

Versus

1. The State of Maharashtra
Through its Principal Secretary
Food and Civil Supplies Department,
Mantralaya, Mumbai
2. The Collector,
Aurangabad, Dist. Aurangabad
3. District Supply Officer,
Aurangabad Dist.Aurangabaed.

Respondents

Mr. R.N. Dhorde, Senior Counsel instructed by Mr. V.R. Dhorde,
advocate for petitioner.
Mr. S.G. Karlekar, AGP for Respondents.

**CORAM : R.M.BORDE &
MANGESH S. PATIL, JJ.
DATE : 10th October, 2018**

JUDGMENT : (Per R.M. Borde, J.)

1. Rule. Rule made returnable forthwith.
2. Heard finally at admission stage with the consent of learned
counsel for the respective parties.

3. Petitioner has been directed to pay sum of Rs. 16,40,000/- on account of lapse quota in respect of food grains and the amount is stated to be 10% of the actual loss accrued to respondents on account of alleged negligent act on the part of petitioner.

4. The only question that arises for consideration is permissibility to pass such order directing imposition of penalty without adhering to the principles of natural justice. It has not been controverted that the order dated 11.09.2018, which is a penal consequence, has been issued without holding proper enquiry and in the absence of there being any notice to the petitioner or any reply on behalf of petitioner to the allegations levelled in that behalf. Since the order has been issued in breach of the principles of natural justice, the same deserves to be quashed and set aside and the same is accordingly quashed and set aside.

5. It would however be open for the respondents to take out appropriate proceeding and pass appropriate order in observance of principles of natural justice and the petitioner would have liberty to take appropriate steps in the event of passing of any adverse order against it. Rule is accordingly made absolute. There shall be no order as to costs.

MANGESH S. PATIL
JUDGE

R.M.BORDE
JUDGE

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