

**IN THE HIGH COURT OF JUDICATURE
AT BOMBAY**

BENCH AT AURANGABAD.

WRIT PETITION NO.10629 OF 2017

Ganesh S/o Damu Sananse ... Petitioner.

Versus

The State of Maharashtra
and others. ... Respondents.

...

WITH

WRIT PETITION NO.10650 OF 2017

WRIT PETITION NO.12158 OF 2017

...

Mr.S.B.Sontakke, advocate for the petitioners.
Mr.K.N.Lokhande, A.G.P. for the State.
Mr.H.P.Kshirsagar, advocate for Respondent Nos.2
and 3.

...

**CORAM : S.V.GANGAPURWALA AND
A.M. DHAVAL, JJ.**

Date : 27.02.2018.

PER COURT :

1. Heard learned counsel for petitioners
and respective learned counsel for Respondents.

2. The petitioners are assailing the order

claiming recovery from the petitioners on the ground that the petitioners have not passed MSCIT within the stipulated time.

3. It is an admitted fact that the order of recovery against the petitioners have been passed without issuing notice to the petitioners and without hearing them.

4. As the order of recovery is in flagrant violation of principles of natural justice the impugned orders are quashed and set aside. The Respondents are at liberty to take decision on the said aspect afresh after issuing notice to the petitioners and hearing the petitioners. In that event, the petitioners will be at liberty to raise all available defences.

5. The Writ Petitions are disposed of. No costs.

(A.M.DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

