

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

**WRIT PETITION (ST.) NO.17 OF 2018**

Roman Tarmat Ltd. .. Petitioner  
Vs.  
The Sub-Divisional Officer, Mumbai & Ors. .. Respondents

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Mr.Avinash H. Gatangare i/by Ms.Vishakha V. Pandit for the petitioner.  
Mr.S.H.Kankal, AGP for the respondents-State.

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**CORAM : R.D. DHANUKA, J.**  
**DATE : 4<sup>th</sup> January 2018**

**P.C.:**

. Matter is allowed to be produced at 3.00 p.m. in view of extreme urgency.

2. Rule, returnable forthwith. Learned AGP waives service. Heard finally by consent of parties.

3. By this petition, the petitioner has impugned the order dated 8<sup>th</sup> November 2017 passed by the learned Additional Commissioner, Kokan Division, Mumbai dismissing the appeal filed by the petitioner. Learned counsel for the petitioner states that the matter was in fact heard by the Additional Commissioner and arguments were concluded. The petitioner has also filed written arguments before the Additional Commissioner. The matter however appeared on board under the caption for 'orders' on 8<sup>th</sup> November 2017 when the Additional Commissioner dismissed the appeal filed by the petitioner for default instead of pronouncing the order in the said appeal. The impugned order dated 8<sup>th</sup> November 2017 is accordingly set aside. Learned Additional

Commissioner, Kokan Division is directed to pronounce the order in the said appeal filed by the petitioner which is the subject matter of the order dated 8<sup>th</sup> November 2017 within two weeks from the date of communication of this order. The respondent shall not take any coercive steps till the order is pronounced by the Additional Commissioner, Kokan Division and for a period of two weeks thereafter.

4. Rule is made absolute in aforesaid terms. No order as to costs. Parties as well as the Additional Commissioner to act on the authenticated copy of this order. The petitioner is directed to convey this order to the learned Additional Commissioner, Konkan Division for compliance.

***R.D. DHANUKA, J.***