

Anand

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

WRIT PETITION NO. 11239 OF 2018

Santacruz Ratnakar Co-operative Housing Society .Petitioner
Ltd.

Vs.

Raghunath Dhaklya Dhadge ors. .Respondents

Mr. V. Salunkhe a/w Ms U. Deshmukh i/b. MDP & Partners,
Advocate, for the Petitioner
Mr. Kishor Patil, Advocate, for the Respondent Nos. 1 to 4
Mr. S. H. Kankal, AGP, for the Respondent Nos. 6 to 10 – State

CORAM : REVATI MOHITE DERE, J.

DATE : 11.10.2018

P.C.

. Heard learned counsel for the parties.

2. By this Petition, the Petitioner has impugned the order dated 17.03.2018 passed by the Additional Commissioner, Konkan Division, Mumbai in Revision Application No. 1280 of 2017.

3. The principal grievance of the Petitioner is that the

Petitioner herein (Respondent in the Revision Application) were not heard by the Additional Commissioner, Konkan Division, Mumbai, whilst condoning the delay caused in filing the Revision Application, preferred by the Respondent Nos. 1 to 4 herein.

4. Learned counsel for the Respondent Nos. 1 to 4 although disputes the aforesaid, submits that he has no objection, if the impugned order dated 17.03.2018 is quashed & set aside and if the prayer for condonation of delay is heard on merits again by the Additional Commissioner, Konkan Division, Mumbai.

5. Perused the papers. It appears that the Respondent Nos. 1 to 4 had filed a Revision Application, being Revision Application No. 1280 of 2017 before the Additional Commissioner, Konkan Division, Mumbai, wherein the challenge was to the order dated 19.10.2006 passed by the Deputy Collector (Appeal) in RTS No. 6 of 2006. It appears that the Additional Commissioner, Konkan Division, Mumbai condoned the delay caused in filing the Revision Application vide order dated 17.03.2018. The only grievance of the learned counsel for the

Petitioner is that the Petitioner was not heard by the Additional Commissioner, while condoning the delay caused in filing the Revision Application vide order dated 17.03.2018. Having regard to the grievance and the statement made by the learned counsel for the Respondent Nos. 1 to 4, the impugned order dated 17.03.2018 passed by the Additional Commissioner, Konkan Division, Mumbai in Revision Application No. 1280 of 2017, condoning the delay caused in filing the Revision Application, is quashed & set aside. The Additional Commissioner, Konkan Division, Mumbai, to hear the parties on delay afresh, in accordance with law and pass appropriate orders thereon. All contentions of both the parties are kept open. Parties to appear before the Additional Commissioner, Konkan Division, Mumbai on 29.10.2018 at 3.00 p. m., after which the Additional Commissioner will give dates convenient to him. The delay condonation Application shall be decided by the Additional Commissioner as expeditiously as possible and in any event on or before 31.12.2018.

6. The Petition is disposed off on the aforesaid terms.

All concerned to act on the authenticated copy of this
order.

(REVATI MOHITE DERE, J.)