

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

WRIT PETITION NO.2195 OF 2016

Jotun India Private Limited

.. Petitioner

V/s.

Union of India & Ors.

.. Respondents

.....

Mr.Makrand Joshi i/b. M/s.Max Legal, Advocate for the Petitioner.
Ms.Cardozo i/b. Ms.Ruju R. Thakkar, Advocate for Respondent
Nos.2 and 3.

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**CORAM : S.C. DHARMADHIKARI AND
PRAKASH D. NAIK, JJ.**

DATED : MARCH 19, 2018.

P.C. :

Once the petitioner says he has been directed to appear before the Authority by this Court after filing a reply to the show-cause notice and that adjudicating body was free to pass an order pursuant to the adjudication, then, we do not see any reason to entertain this petition. More so, when the petitioner does not place the outcome of the exercise on record nor does it make any attempt to inform us whether it participated therein at all or did so under protest. The petition is not amended to place these subsequent events on record. It is well settled that issue of

constitutional validity of a statute or any provision thereof is not decided in vacuum or as an academic exercise. There should be a real and genuine challenge arising out of the facts and circumstances of the case. Absent that, the challenge is purely academic. Hence, the Writ Petition is dismissed. No costs.

(PRAKASH D. NAIK, J.) (S.C. DHARMADHIKARI, J.)