

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITION NO. 1206 OF 2018

Shri Utatm Bandu Shilimkar ... Petitioner

Versus

The State of Maharashtra and Ors. ... Respondents

Mr.Rakesh Saroj for the petitioner.

Mr. C.P. Yadav, AGP for respondent nos. 1 to 5.

**CORAM : SHANTANU KEMKAR &
M.S. KARNIK, JJ.**

DATE : APRIL 26, 2018

P.C.:

Challenging the recovery notice dated 24.2.2016 Exhibit "G" petitioner has filed this petition under article 226 of the Constitution of India.

2. According to the petitioner, before passing of the said order he had submitted a detailed application/representation dated 19.12.2015 Exhibit "C", but the respondent no. 4 has not considered the same and by the impugned non speaking order the same has been rejected.

3. Having gone through the order dated 24.2.2016, we find that the respondent no.4 has rejected the petitioner's

application/representation without considering the grounds raised by the petitioner in it. In the circumstances, the order being a non speaking order, we dispose of this petition by directing the respondent no. 4 to give opportunity of hearing to the petitioner and pass a reasoned order afresh uninfluenced by the earlier order.

4. With the aforesaid directions, petition is disposed of. Petitioner is at liberty to submit a fresh representation before respondent no. 4 within two weeks. The respondent no. 4 after giving opportunity of hearing to the petitioner shall pass a reasoned order within three months from today.

5. Parties to act on authenticated copy of this order.

(M.S. KARNIK, J.)

(SHANTANU KEMKAR, J.)