

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

**WRIT PETITION NO.4454 OF 2018**

Brihanmumbai Electric Supply &  
Transport Undertaking .. Petitioner  
Vs.  
Sadashiv Dnyandeo Gaikwad & Ors. .. Respondents

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Mr.Aseem Naphade a/w Mr.Arsh Misra i/by M/s.M.V.Kini for the petitioner.

Mr.J.P. Kharge for the respondent no.1.

Mr.S.H.Kankal, AGP for the State.

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**CORAM : R.D. DHANUKA, J.**

**DATE : 11<sup>th</sup> April 2018**

**P.C.:**

. Learned counsel for the respondent no.1 states that his client has no objection if the impugned order passed by the respondent no.2 is set aside and if the matter is remanded back to the learned Commissioner and Competent Authority, Welfare of Persons with Disabilities for hearing and final disposal and for passing a fresh order in accordance with law in the proceedings in Appeal 5 of 2016. Statement is accepted.

2. I therefore pass the following order :-

- (i) The impugned order dated 17<sup>th</sup> April 2017 is accordingly set aside.
- (ii) The complaint filed by the respondent no.1 is restored before the authority. The said proceedings in Appeal 5 of 2016 shall be decided without being influenced by the observations made and conclusion drawn in the impugned order dated 17<sup>th</sup> April 2017.

- (iii) The question as to whether the parties will be governed by the provisions of the Persons with Disabilities Act, 1995 or whether the Rights of Persons with Disabilities Act, 2016 is kept open. Such issue shall be decided by the authority.
- (iv) The complaint shall be disposed of expeditiously and not later than four months from the date of the next meeting.
- (v) Parties to appear before the authority on 25<sup>th</sup> April 2018 at 3.00 p.m.
- (vi) Writ petition is disposed of in aforesaid terms.
- (vii) There shall be no order as to costs.
- (viii) Parties as well as the authority to act on the authenticated copy of this order.

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