

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L)NO.453 OF 2018**

Urmila D Atkari & Anr

...Petitioners

Versus

Vikas S Vishwasrao & Anr

...Respondents

Mr Sanjeev Sawant, i/b AP Deshmukh, for the Petitioners.

Mr CN Chavan, for the Respondents.

CORAM: G.S. PATEL, J

DATED: 15th February 2018

PC:-

1. Having regard to the manner, and only the manner, in which the matter has proceeded before the Competent Authority and particularly since there is no record of an attendance sheet; and there is a dispute as to whether the Petitioner appeared or was represented on the relevant date, the impugned order dated 4th January 2018 at page 100 is quashed and set aside. There is no assessment on merits. The order is quashed and set aside only so as to allow the Petitioner to a full and proper opportunity of being heard. The Competent Authority will decide the main Application No.16 of 2017 filed by the present 1st Respondent uninfluenced by the previous orders. Parties will appear before the Competent Authority on 23rd February 2018 at 4.00 p.m. The Competent Authority will then fixed a date of his convenience for the hearing of

the matter. Parties including the Petitioner will make the necessary arrangements to appear before the Competent Authority on that date. The Competent Authority is not required or compelled to adjourn the matter at the request of any of the parties and any such adjournment application may be refused unless there is some inconvenience to the Competent Authority himself.

2. The Competent Authority will endeavour to hear the parties and close the hearing by 16th March 2018 and render a decision by 13th April 2018.

3. In the meantime no coercive steps are to be taken against the Petitioner. If the Competent Authority finds against the Petitioner, there will be no action taken against the Petitioner until 2nd May 2018.

4. The Writ Petition is disposed of in these terms. No order as to costs.

(G. S. PATEL, J)