

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

REVIEW PETITION (L) NO. 33 OF 2018

IN

WRIT PETITION NO. 304 OF 2018

Yashwant Namdev Shinde

...Petitioner

Vs.

Shamim Fazal & Ors.

...Respondents

WITH

REVIEW PETITION (L) NO. 34 OF 2018

IN

WRIT PETITION NO. 236 OF 2018

Yashwant Namdev Shinde

...Applicant
(Orig.Respondent No.4)

In the matter between

Sunrise Lifestyle and Homes Pvt.Ltd. & Ors.

...Petitioner

vs.

State of Maharashtra & Ors.

...Respondents

Mr.Chandrakant N. Chavan for Petitioner in both Review Petitions.

Mr.Ajay Patil for Respondent Nos.1 and 2 in RPWL 33/2018 (original Petitioner in WP 304/2018).

Mr.J.G. Aradwad (Reddy) I/b. Abhijit Patil for Respondent No.1 in RPWL 34/2018 (Original Petitioner in WP 236/2018).

Mr.H.B. Takke, AGP for Respondent No.3 in RPWL 33/2018 and for Respondent No.2 in RPWL 34/2018.

Mr.P.M. Jadhav I/b. V.P. Sawant for Respondent Nos.4 and 5 in RPWL 33/2018 and for Respondent Nos.3 and 4 in RPWL 34/2018.

CORAM : S.C. GUPTE, J.

DATE : 29 JUNE 2018

P.C. :

Heard learned Counsel for the parties.

2 This review petition seeks review of an order passed by this court on 10 April 2018. On the date when this order was passed, the Petitioner (Respondent No.4) did not appear before the court. According to the Petitioner, he was not served. Whatever it is, the order was passed on the basis that the parties were not properly heard by the Chief Officer of MBRR Board when the order impugned in the two petitions was passed. This position was accepted even by MHADA appearing through Additional Government Pleader. Since the order of the revisional authority was passed admittedly without hearing the affected party, the Appellate Authority was bound to remand the matter. It, however, proceeded to decide the matter on merits. That is the basis of the remand order passed on 10 April 2018. No case is made out for reviewing that order. There is no discovery of any new or important matter or evidence or any mistake or error apparent on the face of record or any sufficient reason for review. Besides, after the remand, the authorities has actually proceeded to hear the parties on one occasion and the matter is posted for further hearing, at the request of the Petitioner, on 3 July 2018. It is expected that the authorities will dispose of the matter as expeditiously as possible.

3 The review petition is disposed of.

(S.C. GUPTE, J.)