

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

M.C.A. NO. 506/2018
AND
W.P. NO. 6645/2016 (D)

State of Maharashtra & anr.
..VS..
Digambar Mayaram Bhelawe

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri N.R. Patil, AGP for the applicants/petitioners
Shri I.N. Choudhari, Advocate for the non-applicant/respondent

CORAM : B.P. DHARMADHIKARI AND
Z.A.HAQ, JJ.
DATED : 18/06/2018

1] Prayer is to restore writ petition dismissed in default.

2] Reason given is the non-preparation on relevant date.

3] In view of that reason, we have heard learned AGP on merits by restoring the writ petition.

4] He states that judgment delivered by MAT in O.A. on 23/12/2015 has not been independently challenged. Challenge is only to order refusing to review it.

5] We find that review has not been entertained as it is barred by limitation.

6] Rule 17 of the relevant Rules stipulates that no application for review can be entertained unless it is filed within 30 days from the date of order of which review is sought.

7] Our attention is drawn to Full Bench judgment of Andhra Pradesh High Court which considers same rule. This provision appears as Rule 19 in the Andhra Pradesh Rules. There Full Bench has found that Administrative Tribunal has not been given jurisdiction to condone delay by invoking either Sub-section (3) of Section 21 of Administrative Tribunals Act or Section 29 (2) of the Limitation Act.

8] In this situation, we do not see any jurisdictional error or perversity in the order of MAT dated 09/08/2016. Writ petition is therefore, rejected.

9] MCA and WP disposed of.

JUDGE

JUDGE

Ansari