

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD.**

**CIVIL APPLICATION NO.6974 OF 2019**

**IN RAST NO. 18232 OF 2019**

**WITH**

**CIVIL APPLICATION NO.7478 OF 2019**

**IN RAST NO. 18225 OF 2019**

Nirmala Vijaykumar Thakur.

Applicant

Versus

Union of India and others.

Respondents

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Mr. J.M. Murkute, Advocate for applicant.

Mr. S.B. Deshpande, Standing Counsel for Union of India.

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**CORAM : T.V. NALAWADE AND  
K.K. SONAWANE, JJ.**

**Dated : 2 JULY 2019.**

**ORDER.**

. The applications are filed for condonation of delay caused in filing Review Application. This Court felt it necessary to ask learned Counsel for the applicant to argue before notice to make out the case in Review Proceeding. If notices are issued, unnecessary harassment would be caused to other side.

2. Learned Counsel for the applicant submitted that Clause 21 of the Agreement provides for 'Transfer of License' in case of death of licensee and the said transfer is possible. He also drew attention of this Court to Clause 17 of the Agreement which provides for 'Renewal'. This clause shows that renewal will not be as a matter of right and it is within discretion of the Authority, employer. The submissions made show that the period mentioned in the licence was over and so there was no question of using Clause-21 which is for transfer of licence. When Clause-17 gives discretion to the Authority, the party needs to apply to the Employer and only after considering the performance, the Authority-employer can pass some order. The submissions made show that such application was moved, but it was rejected. Learned Counsel submitted that rejection was on the basis of previous policy, but not on the basis of policy of 2012. This Court has carefully gone through the policy of year 2012 and all the clauses like Para 16.3 and Para 21. They cannot help the petitioner in any way. The licensee died in the year 2012. in view of these circumstances, this Court holds that there is no case to argue in Review Application. Thus, sufficient cause is not made

out. For making out sufficient cause two circumstances are required to be shown. First there was some reason for not filing the proceeding in time and second there is an arguable case in the main matter. As there is no arguable case in the main matter, the applications are dismissed.

**( K.K. SONAWANE, J.)**

**( T.V. NALAWADE, J.)**

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