

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1244 OF 2018**

Atul Suresh Nadkarni

... Petitioner

Versus

The State of Maharashtra & Anr.

... Respondents

**ALONG WITH
CIVIL APPLICATION (ST) NO. 31915 OF 2018
IN
WRIT PETITION NO. 1244 OF 2018**

Mr. Anoopkumar Awasthi for the Petitioner.

Mr. P.N. Diwan, AGP for the Respondent.

Mr. Anand B. Babe for the Applicant in CAWST No. 31915 of 2018.

CORAM : AKIL KURESHI &

S.J. KATHAWALLA, JJ.

DATE : 13TH JUNE, 2019

P.C.:

1. The Petitioner has made the following substantive prayer in this Petition :

"This Hon'ble Court may pass appropriate orders and quash and set aside the cancellation order dated 27.10.2017 of Exhibit-D passed by Secretary, Licensing Board, I.E. and L. Department, Chembur, Mumbai - 400071 the Electrical Supervisor License No. MS 16835 of the Petitioner and Contractor License No. M.C.26615 of his wife."

2. The Petitioner and his wife were granted licenses by the Competent Authority under the terms of the Electricity Act. For alleged misconduct and irregularities, such licenses were cancelled by the impugned order. The Petitioner has therefore made this prayer.

3. The learned Counsel appearing for the Petitioner only argued the ground of breach of natural justice. He submitted that the impugned order was passed without giving any hearing to the Petitioner.

4. No such contention has however been taken in the Petition. In the grounds, the Petitioner has urged the following :

"(a) That no offence punishable under the provisions of Indian Penal Code, 1860 or any other law in force is made out against present Petitioner and his wife by the Government of State of Maharashtra and India.

(b) That the allegations in cancellation orders of the licenses of the Petitioner and his wife the entire material available on record does not constitute any cognizable offences.

(c) The Petitioner caught corrupt officers of offices of the Electrical Inspector from time and again, red hand, while accepting bribes, by ACB. So therefore the Petitioner and his wife targeted falsely, and was consciously the Electrical Supervisor license and Electrical Contractor License of his wife has been cancelled permanently without any provision in any law of India."

5. None of these grounds therefore touch upon question of non compliance of

requirement of the principle of natural justice. The Petitioner's sole contention of the breach of requirement of the hearing therefore cannot be accepted. Even otherwise, the impugned order itself manifestly demonstrates that the Petitioner was put to notice, was given opportunity of remaining present before the Competent Authority and submit his case in response to the allegations made against him and his wife.

6. Under the circumstances, no case is made for interference. The Petition is dismissed.

(S.J.KATHAWALLA, J.)

(AKIL KURESHI, J.)