

DDR

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5453 OF 2016

M/s. Aradhana Construction

..Petitioner

vs.

Dattu Tower Co-operative Housing
Society Ltd. & ors.

..Respondents

....

Mr. B.K. Bali a/w. Anju Singh i/b. Bali Associates for petitioner.

....

CORAM : M.S.KARNIK, J.

DATE : 10th DECEMBER, 2019

P.C. :

The order dated 20th September, 2019 passed by this Court records that the respondent Nos.2 and 3 are duly served. No one has appeared on behalf of the respondents today when the matter is listed for admission.

2. I have perused the order dated 3rd October, 2016 passed by this Court where the statement made by learned counsel for the petitioner that the respondent Society in their Application No. 85 of 2015 has given incorrect address of the petitioner, therefore, neither notice issued to the petitioner nor

no one remained present before the Competent Authority on his behalf when the impugned order was passed. In this view of the matter, the impugned order is set aside. The application No. 85 of 2015 to be heard afresh on its own merits and in accordance with law by the Competent Authority.

3. The petitioner to remain present before the Competent Authority on 9th January, 2020. The Competent Authority may fix further schedule of the hearing.

4. The Competent Authority to hear the application on its own merits and in accordance with law without being influenced by the observations made by me in this order.

5. The Petition is allowed and disposed of as such.

6. The Petitioner to serve the copy of this order on the respondents.

(M.S.KARNIK, J.)

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