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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10275 OF 2018

The Colaba Central Co-op Consumers
Wholesale and Retail Stores Ltd. & Anr. ... Petitioners.

Versus

Union of India & Ors. ... Respondents.

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Mr. P. S. Dani, Senior Advocate a/w Mr. Gaurav Thakur.
Mr. Vaibhav Sugdhare, Mr. H Mansukh, Mr. Sangam Sahasrabudhe
I/b A. S. Dayal & Associates for Petitioners.
Mr. Y. S. Bhate I/b Mr. Pranil Sonawane for Respondent Nos. 1 & 2.
Mr. H. J. Hakani for Respondent Nos. 3 & 4.

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CORAM : A. S. GADKARI, J.
DATE : 25th JULY, 2019

P. C. :

1. There is consensus amongst the parties represented through their respective counsel that, the petitioners herein and the respondent nos. 3 and 4 who are the original contesting respondents were not heard before passing the impugned order dated 6th July 2018 by the respondent no.1 – Estate Officer.

2. It is therefore clear that, the principles of natural justice have not been complied with by the respondent no.1 before passing the impugned order.

3. In view thereof, impugned order dated 6th July 2018 is set aside and the case no.15/(34)/2008-EMM/3319 is hereby restored to the file of respondent no.1.
4. All the contesting respondents therein, i.e. the petitioner and respondent nos. 3 & 4 herein are directed to appear before the respondent no.1 on 22nd August, 2019 at 3.00 p.m.
5. It is to be noted here that, this Court has not adjudicated the issue involved in the petition and the matter is remanded back to the respondent no. 1 for the aforestated reason alone. It is needless to mention that, the contentions of all the contesting respondents are expressly kept open.
6. The petitioner, respondent nos. 3 and 4 will not insist for fresh show cause notice for the said case.
7. Writ Petition is partly allowed, in the aforesaid terms.

(A. S. GADKARI, J.)