

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

WRIT PETITION NO.10920 OF 2017

Maharashtra State Co-operative
Consumers' Federation Ltd.

...Petitioner

Versus

The State of Maharashtra through
the Secretary of Co-operation
Textiles and Marketing Department,
Mantralaya, Mumbai and Ors.

...Respondents

.....

Mr. S.R. Nargolkar with Ms Sharrie Rebello for the Petitioner.
Mr. S.H. Kankal, AGP for the Respondents-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 30th JANUARY, 2019.

P.C.:-

The Petitioner herein has challenged the order dated 23rd January, 2017 whereby the revisional authority has dismissed the Revision Application No.683 of 2016 and thus confirmed the order dated 16th June, 2016 passed by the Respondent No.3.

2. Heard the learned counsel for respective parties and perused the records.

3. The only grievance of the Petitioner is that the order dated 16th June, 2016 was passed without giving him an opportunity of being heard. He has submitted that he had raised this ground in revision application however, the same has not been considered. The learned AGP concedes that the Petitioner was not heard while passing the order dated 16.6.2016.

4. It is thus evident that the order dated 16th June, 2016 is in breach of principle of natural justice. Hence, the same cannot be sustained. Under the circumstances, both the impugned orders dated 16th June, 2016 and 23rd January, 2017 are hereby set aside. The Respondent No.3 is directed to decide the matter afresh after giving opportunity of hearing to all the concerned parties. Petition stands disposed of.

5. It is made clear that I have not gone into the merits of the matter and all the points and contentions of the respective parties are expressly kept open. Parties to appear before the Respondent No.3 on 18.2.2019 at 11.00 a.m.

(SMT. ANUJA PRABHUDESSAI, J.)