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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION (L) NO. 940 OF 2019
WITH
WRIT PETITION (L) NO. 941 OF 2019
WITH
WRIT PETITION (L) NO. 942 OF 2019**

Anil Kumar Roshanlal Agarwal (Since ... Petitioners
deceased) Thru L.Rs. And Anr.

V/s.

Union of India & Ors.

... Respondents

Mr. Venkatesh Dhond, Senior Advocate with Mr. Rafeeq Peer
Mohiddin, Ms. Sowjanya Menon, Mr. Shakib Dhorajiwala & Ms.
Tasneem Zariwala i/b. Vidhi Partners for Respondents.

Ms. Shilpa Kapil for Respondent No.1.

Mr. Rajesh Nagoly with Mr. Rohit Gupta,, Mr.Pankaj Utarardhi i/b
Ms. Sabeena Mahadik for Respondent Nos.2 and 3.

**CORAM: A.A.SAYED &
R. I. CHAGLA, JJ.
DATE: 22ND MARCH, 2019.**

PC:-

1. The Petitioners have already filed Appeals before the DRAT
challenging the very order of DRT dated 18th March, 2019 which
are challenged in these Petitions. It appears that the DRAT has
not granted circulation for listing the matters for urgent orders. In
paragraph 36 of the Writ Petition (L) No.940 of 2019, the
Petitioners have averred as follows:

***35. Thereafter, the Petitioner filed an Appeal (L)
No.319 of 2019 inter alia challenging the impugned***

Order before the DRAT on 18th March, 2019. The said Appeal was mentioned by way of praecipe dated 19th March, 2019 before the Hon'ble DRAT for urgent circulation. However, the same was not taken on record by the Tribunal which directed that the Appeal may be heard in ordinary course. The same has caused immense prejudice to the Petitioners who are left with no other alternative efficacious remedy but to approach this Hon'ble Court. A copy of the Appeal (L) No.319 of 2019 is annexed hereto and marked Exhibit "B".

2. Inasmuch as the Petitioners have already filed Appeals before DRAT, we are not inclined to entertain the Petitions. We however, grant liberty to the Petitioners to move the DRAT for urgent circulation and request DRAT to list the Appeals / Applications (including Appeals for waiver of statutory deposit, if any) at the earliest and pass necessary ad-interim / interim orders either granting or rejecting reliefs so as to enable the aggrieved parties to carry the matters further, if so advised.

3. The Petitions are accordingly dismissed with the aforesaid liberty. We clarify that we have not gone into the merits of the matter or the issue of statutory deposit and the DRAT would be free to pass orders as it deems appropriate.

4. Before concluding, we find it necessary to observe that time and again parties are rushing to this Court on the ground that despite the statutory Appeals having been filed, DRAT has declined to grant circulation to seek urgent orders. We request

DRAT to take note of this fact so that such practice at this stage of the Appeal proceedings without any orders being passed by DRAT is eschewed.

(R. I. CHAGLA, J.)

(A.A.SAYED, J.)