

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

WRIT PETITION (L) NO. 2180 OF 2019

Ambaji Constructions

.. Petitioner

Versus

The State of Maharashtra & Ors.

.. Respondents

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- Mr. Zal Andhyarujina a/w Mr. Chaitanya Chavan, Mr. Levi Rubens, Mr. Pratik Shah & Ms. Ankita Karmakar i/by M/s. Vigil Juris for the Petitioner
 - Mr. Y.S. Khochare, AGP for the State
 - Mr. Vijay D. Patil for Respondent Nos. 2 to 4
 - Mr. Pravin Samdani, Sr. Advocate i/by Mr. Madhur Surana for Respondent No. 5
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CORAM : AKIL KURESHI &
S.J. KATHAWALLA, JJ.

DATE : JULY 31, 2019.

P.C.:

- 1.** Not on board. Mentioned. Taken on board.
- 2.** Leave to amend. Reverification dispensed with.
Amendment to be carried out forthwith.
- 3.** This petition was mentioned yesterday for urgent hearing looking to the nature of the cause involved. After hearing the learned counsel for the petitioner, we had

requested learned counsel for the Slum Rehabilitation Authority (“**SRA**” for short) to take preliminary instructions and appear before the Court. Accordingly, learned counsel Mr. Vijay Patil was present before us. Learned counsel Mr. Pravin Samdani also appeared for the Society under whose complaint the impugned order of cancelling the petitioner as the developer of the scheme came to be passed.

4. We have therefore taken up the petition on board for disposal forthwith.

5. Having heard the learned counsel for the parties, we gather that at one point of time, the Competent Authority had fixed the date of hearing of the complaint of the society on 15.7.2019. By written communication, it was changed to 19.7.2019. Learned counsel for the SRA stated that such shifting of date was an error and a wrong communication was made to the petitioner which was immediately sought to be corrected through electronic communication and original proposed date of hearing was continued.

6. There is some confusion about the subsequent communication of change of date to the original proposed date of hearing. Learned counsel for the petitioner as well as learned counsel for the Society agreed that in larger interest of justice, keeping all such disputed questions aside, let there be a fresh hearing before the Competent Authority (CEO, SRA) as early as possible. Under these circumstances, the impugned order dated 19.7.2019 is quashed only on this count.

7. The parties shall appear before the Competent Authority on 5th August, 2019 at 11.00 a.m. The hearing shall be completed on that day. This order is passed in presence of the Advocates for the parties, hence, no separate notice of hearing would be necessary. It would be open for the either side to present further representation before the Competent Authority by 2.8.2019 with advance copy to the opposite side.

8. We have not expressed any opinion on any of the factual or legal disputes. The said Authority shall pass a

fresh order in accordance with law expeditiously.

9. Writ Petition is accordingly disposed of.

[S.J. KATHAWALLA, J.]

[AKIL KURESHI, J]