

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

Amk

WRIT PETITION NO. 11796 OF 2019

Rajsukh Medical Care Unit
Vs.

.. Petitioner

State of Maharashtra & Ors.

.. Respondents

Ms. Neeta Karnik a/w. Ms. Riba Vasudevan for the Petitioner.

Mr. P. P. Kakade, Govt. Pleader a/w. Mr. Y. D. Patil, AGP for the Respondent-State.

Ms. Swati Sagvekar for Respondent Nos.2 & 3.

CORAM : K. K. TATED & ABHAY AHUJA, J.
DATE : 12th JUNE, 2020.

P. C. :

1. Heard learned Counsel for the parties.
2. By this Petition under Articles 226 and 227 of the Constitution of India the Petitioner is challenging the order/letter dated 05.08.2019 passed by Respondent No.3 rejecting their application dated 01.11.2018. The main contention of the Petitioner is that the said order was passed by the Authority without hearing them.
3. This Court by order dated 09.06.2020 directed the Advocate for Respondent Nos.2 and 3 to take instructions whether her clients are ready and willing to re-hear the Petitioner on their application dated 01.11.2018 and pass a detailed order. Today the Advocate Ms. Swati Sagvekar appearing on behalf of Respondent Nos.2 and 3 submits that her clients are ready and willing to re-hear the Petitioner's application dated 01.11.2018 and they have no objection if the order dated 05.08.2019 is set aside. Hence, by consent of both the parties I pass the following order:

- (i) Order dated 05.08.2019 is set aside.
- (ii) Respondent No.3 is directed to hear the Petitioner's application dated 01.11.2018 on its own merits after giving full opportunity to the Petitioner.
- (iii) All contentions of both the parties are kept open.
- (iv) No order as to costs.

[ABHAY AHUJA, J.]

[K. K. TATED, J.]