

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.7103/2016

Indira Sahakari Sut Girni Ltd., Wani

..V/s..

The Stare of Maharashtra and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A. M. Ghare, Advocate for the petitioner.
Ms M.A. Barabde, A.G.P. for respondent Nos.1 to 3.

CORAM : RAVINDRA V. GHUGE, J.

DATED : 6.1.2020.

1] The petitioner, who is the review petitioner before the Hon'ble Minister in Revision Application No.721/2016, is aggrieved by the order dated 7.12.2016 on the ground that the said order is a final decision in the revision proceedings and it was passed without hearing the petitioner on the merits of the matter.

2] I have considered the strenuous submissions of the learned Advocate for the petitioner and the learned A.G.P. on behalf of respondent Nos.1 to 3.

3] No notice has been issued to respondent No.4, who is a Member of the Legislative Assembly, Wani, Tq. Wani, Distt. Yavatmal.

4] I have considered the submissions of the learned Advocates. Considering the order that I intend

to pass, I need not advert to the entire submissions of the parties. Suffice it to say that the petitioner was before this Court in writ petition raising a limited grievance that his revision is not being decided by respondent No.1 Hon'ble Minister. Vide order dated 30.9.2016 passed by the learned Division Bench, the statement of the learned A.G.P. that the proceedings would be decided within one month after hearing the petitioner and all the concerned parties, was recorded and it was ordered that the respondent No.1 would decide the revision expeditiously and in any case, within one month from the date of the order.

5] The record reveals that the hearing before the Hon'ble Minister was posted on 19.10.2016 when submissions of the litigating sides were recorded and the matter was again posted on 30.11.2016 for advancing further submissions. The roznama reveals that, on 30.11.2016, the litigating parties appeared in the matter, were heard and the matter was reserved for decision. It appears that the department issued notices dated 1.12.2016 and 7.12.2016 to the petitioner as regards the further hearing and subsequently, a communication dated 21.12.2016 addressed by the Desk Officer to the learned A.G.P. of this Court, pursuant to this petition having been filed on 19.12.2016, was issued stating therein that the notice for hearing dated 7.12.2016 was inadvertently issued. By the said notice, the hearing was posted on 11.1.2017 at 3 p.m.

6] The learned Advocate for the petitioner has strenuously contended that the petitioner had addressed the Hon'ble Minister only on the application for interim relief and no further submissions on the main revision application were advanced. He supports his contention by the fact of the notice dated 7.12.2016 is being issued. He points out that earlier one notice dated 1.12.2016 was also issued and this indicates that the Hon'ble Minister desired to hear the parties finally. The learned A.G.P. vehemently opposed this petition contending that the Desk Officer may have inadvertently issued two notices. A decision in the proceedings was subsequently pronounced on 7.12.2016.

7] I do find that a controversy has emerged in view of two notices having been issued by the Hon'ble Minister dated 1.12.2016 and 7.12.2016. After the petitioner preferred this writ petition for challenging the final order dated 7.12.2016, the government has taken a stand that the notices were inadvertently issued.

8] Notwithstanding the fact situation as above, the petitioner has not explained as to why it has disobeyed the order of the learned Division Bench of this Court dated 30.9.2016 by which the proceedings were to be decided within one month. It presupposes that such direction of this Court would mandate the parties to address the Hon'ble Minister on the merits of the

proceedings and the parties were not at liberty to indulge in piecemeal hearing of the proceedings. Be that as it may, the impugned order dated 7.12.2016 is in the backdrop of the controversy that has been created by the State as well.

9] In view of the above, I find that an equitable order deserves to be passed so as to ensure that the petitioner is not deprived of a right of hearing and at the same time, the petitioner is penalized for not obeying the order of this Court dated 30.9.2016 and having failed to address the Hon'ble Minister on the revision application itself.

10] Hence, this petition is **partly allowed**. The impugned order dated 7.12.2016 is quashed and set aside and proceedings RVA 2016/प्र. क्र.721/15-स. shall stand restored to the file of respondent No.1.

11] The petitioner shall appear before respondent No.1 on 3rd February, 2020 in his chamber in Mantralaya at 3 p.m. Formal notice need not be issued by respondent No.1. The petitioner is at liberty to submit written notes of submissions in respect of the revision application. After concluding the hearing, respondent No.1 shall pass a reasoned order as expeditiously as possible and in any case, on or before 21.3.2020.

12] By way of costs, the petitioner shall deposit

Rs.10,000/- with the High Court Bar Library, by the consent of the learned A.G.P., on or before 24.1.2020.

13] Copy of the receipt of deposit of costs shall be filed with the Registry and the Registry shall report the compliance of this order.

(RAVINDRA V. GHUGE, J.)

Tambaskar.