

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4866 OF 2020

Bhaskar Nanasaheb Bhagat and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Nitin V. Gaware, Advocate for Petitioners.

Shri S. B. Pulkundwar, A.G.P. for the Respondent No. 1.

Shri V. V. Gujar, Advocate for Respondent Nos. 2 to 4.

**CORAM : S. V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 18TH MARCH, 2021.

FINAL ORDER :

. The learned counsel for petitioners submit that, the impugned order was passed without giving opportunity of hearing to the petitioners.

2. According to the learned counsel for respondents, show cause notices were issued to the petitioners. Opportunity was also given to the petitioners.

3. The civil as well as criminal liability is fastened upon the petitioners. In that event the petitioners ought to have been granted some opportunity. According to petitioners, the petitioners also did not receive show cause notice as they were not at the head quarter at the relevant time.

4. Be that as it may, as averments are made that without adhering to the principles of natural justice, impugned order is passed and as say to the show cause notice was not filed by the petitioners, we grant one more opportunity to the petitioners.

5. We had directed the petitioners to deposit amount in this Court under order dated 22nd December, 2020. Pursuant to the said order, it is submitted that, the petitioner No. 1 has deposited an amount of Rs. 4,00,000/-. The petitioner No. 2 has deposited an amount of Rs. 1,50,000/-. The petitioner No. 3 has deposited an amount of Rs. 1,00,000/- and the petitioner No. 4 has deposited an amount of Rs. 1,50,000/- in this Court.

6. With a view to grant one more opportunity to the petitioners, we pass following order.

7. The petitioners may file their say to the show cause notice within a period of fourteen (14) days from today. On receipt of say to the show cause notice, the respondent No. 2 shall consider the say filed by petitioners and then pass orders afresh. The amount deposited by the petitioners in this Court shall be transmitted to the respondent No. 2. The same shall be without prejudice to the rights and contentions of the parties and would be subject to the decision that would be taken by the respondent No. 2 after receiving say from the petitioners.

8. With the aforesaid observations and directions, the writ petition is disposed of. No costs.
9. The parties to act on authenticate copy.

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]

bsb/March 21