

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

WRIT PETITION NO.297/2020

Jijamata Shetkari Mahila Bachat Gat, Fair Price Shop Holder, through its
President Sau. Chanda Rejendra Ishwarkar

...Versus...

State of Maharashtra through its Secretary, Food, Civil Supply and Consumer
Protection, Mantralaya, Mumbai and others

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

Court's or Judge's orders

Shri P.S. Patil, Advocate for petitioner
Shri M.A. Kadu, AGP for respondent nos.1 and 2
Shri M.M. Kalar, Advocate for respondent no.3

CORAM : AVINASH G. GHAROTE, J.

DATE : 09/08/2021

1. Heard Shri Patil, learned Counsel for the petitioner, who assails the order dated 13/9/2019, passed by the respondent no.1 on the sole ground, that reasonable opportunity was not afforded. It is his contention that the notice of hearing of the appeal, which was fixed on 13/8/2019 at 11:00 a.m. at Mantralaya, Mumbai was served upon the petitioner, on 12/8/2019 at 8:00 p.m., and therefore, there was no reasonable opportunity at all.

2. Though Shri M.M. Kalar, learned Counsel for the respondent no.3 has tried to justify the impugned order,

contending that on an earlier occasion on 11/6/2019, when the matter was listed, the petitioner was absent, however, that does not absolve the respondent no.1 from granting a reasonable opportunity to the petitioner, to make himself available for hearing.

3. In the instant matter, the communication dated 9/8/2019, which fixes the date of hearing as 13/8/2019 at 11:00 p.m., in the Mantralya, Mumbai has been received by the petitioner, who is a resident of village Hirapur, Tahsil Anjangaon Surji, District Amravati on 12/8/2019 at 8:00 p.m., considering which there is an absolute lack of opportunity, as reasonably expected. In this view of the matter, on this ground alone, the impugned order cannot be sustained and therefore the same is hereby quashed and set aside. The respondent no.1, is directed to hear the matter on 23/08/2021 on which date, the respective parties undertake to remain present before the respondent no.1 at 11:00 a.m. at Mantralaya, Mumbai.

4. Shri Kalar, learned Counsel for the respondent no.3 undertakes to supply copy of the memo of appeal and its annexures as placed before the respondent no.1 to the learned Counsel for the petitioner by 12/08/2021, with an acknowledgment from the learned Counsel for the petitioner about its receipt.

5. The writ petition is accordingly disposed of.
There shall be no order as to costs.

(AVINASH G. GHAROTE, J.)

Wadkar