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

914 CIVIL APPLICATION NO.13348 OF 2021
IN RAST/1776/2021
IN WRIT PETITION NO.2640/2019

BABASAHEB MATHARABA NIKAM
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr J. M. Murkute, Advocate for applicant;
Smt.V. S. Choudhary, A.G.P. for respondent/State

CORAM : RAVINDRA V. GHUGE, J

DATE : 24th March, 2022

PER COURT:

1. By this application, the applicant prays for condonation of 529 days delay caused in filing a review application, seeking review of the order dated 04/07/2019, passed by this Court.
2. Though the reasons for seeking condonation of delay of 529 days are not satisfactory, yet the application for condonation of delay is allowed only to consider the review.
3. In paragraph 8 of the Judgment dated 04/07/2019, it was recorded as under :-

“8. The learned Advocate for the petitioner then raised the following grounds as regards the maintainability of the Revision filed by respondent No.5.

(a) he relied upon Clause 24(1) of the Maharashtra Scheduled Commodities (Regulation of

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Distribution) Order 1975, to contend that the said provision vests the competent authority with the power to cause a revision suo motu or on an application.

(b) Only 30 days limitation period, from the date of the receipt of the order, is provided.

(c) There is no provision under the Essential Commodities Act, 1955 or the Order for empowering a revenue authority or the Honourable Minister to condone the delay in filing of a revision.”

4. The record further reveals that the present applicant had challenged the order dated 09/04/2010, passed by the District Supply Officer and the order dated 04/06/2011, passed by the Deputy Commissioner (Supply), Aurangabad, by preferring Revision Application on 09/10/2018. Apparently, these proceedings were beyond 30 days from the date of receipt of the order to be challenged and there was no provision for condonation of delay. Clause 24(1) of the Maharashtra Scheduled Commodities (Regulation of Distribution) Order 1975, was squarely applicable which has been reproduced below paragraph 14 in the said Judgment.

5. This applicant had not disputed that he received orders dated 09/04/2010 and 04/06/2011 long time prior to the Revision Application under Clause 24(1), which were presented in the office of the Hon'ble Minister, on 09/10/2018.

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6. In this review application, the applicant submits that there was a fire in Mantralaya on 22/06/2012 and four floors were totally burnt. Several documents were destroyed in the fire.

7. I do not find from the review application any such date or ground or proof that would indicate that the present applicant had approached the Competent Authority within limitation.

8. Having heard the learned Advocate and since there is no merit in the review application, the same is dismissed.

(RAVINDRA V. GHUGE, J.)

sjk