

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

15 WRIT PETITION NO.1230 OF 2022

M/s. Bhusawal Cable Network Private Limited,
Through it's Director,
Mohammad Salim Mahmood Kasim,
Age : 53 years, Occ: Business,
R/o Near Azad Market, Khadka Road, Bhusawal,
Taluka : Bhusawal, District : Jalgaon. ...Petitioner

VERSUS

1. The Union of India,
Ministry of Information and Broadcasting,
Room No.116, A-wing, Shastri Bhawan,
New Delhi.
2. The Secretary,
Ministry of Information and Broadcasting,
Room No.116, A-wing, Shastri Bhawan,
New Delhi.
3. The Deputy Secretary,
Ministry of Information and Broadcasting,
Room No.116, A-wing, Shastri Bhawan,
New Delhi. ...Respondents

...

Mr. Rajendra Deshmukh, Senior Counsel i/b Mr. Govind A. Kulkarni,
Advocate for the Petitioner.
Mr. A.G. Talhar, ASGI for Respondent Nos.1 to 3.

...
**CORAM : R.D. DHANUKA &
S.G. MEHARE, J.J.**

DATED : 04th APRIL, 2022

ORAL JUDGMENT (PER R.D. DHANUKA, J.) :-

1. Rule. Rule made returnable forthwith and heard finally
by the consent of the parties.

2. This writ petition was heard for sometime on 31.03.2022 when the Assistant Solicitor General on behalf of respondent nos.1 to 3 made a statement that his client has withdrawn interim order and will pass a fresh order after hearing the petitioner. The learned Assistant Solicitor General, on instructions, further states that the order passed by the Original Authority on 23.11.2021 stands withdrawn. The petitioner would be rendered hearing by the Original Authority and would decide the issue in accordance with law at the earliest after giving personal hearing to the petitioner. Statement is accepted.

3. In view of the statement made by the learned Assistant Solicitor General on behalf of respondent nos.1 to 3, order dated 23.11.2021 does not survive and consequently order dated 14.01.2022 passed by the Appellate Authority also would not survive.

4. The proceedings are restored before the Original Authority for deciding the matter fresh on its own merits and in accordance with law after rendering personal hearing to the petitioner without being influenced by the observations made and the conclusion drawn in the order dated 23.11.2021 and 14.01.2022, on or before 31.05.2022.

5. The learned senior counsel for the petitioner has requested this Court to fix a date for personal appearance of the petitioner on 10.05.2022 in view of the Ramzan Festival during which

the petitioner may not be able to remain present. Considering the request, we direct the petitioner to remain present before the Original Authority on 10.05.2022. The petitioner has agreed to remain present before the Original Authority on 10.05.2022 without fail and shall not seek any unnecessary adjournment. The fresh order that would be passed shall be passed on or before 31.05.2022. The order that would be passed shall be communicated to the petitioner within one week from the date of passing of the order. If the order is passed in favour of the petitioner, impugned action initiated by respondent nos.1 to 3 shall be withdrawn. If the impugned action is adverse to the petitioner, no coercive steps shall be taken against the petitioner for a period of four weeks from the date of communication of the order.

6. Writ petition is disposed off in the aforesaid terms.
7. Rule is made absolute. No order as to costs.
8. Parties to act on the authenticated copy of this order.
9. It is made clear that this Court has not expressed any view on the merits of the matter. All contentions of the parties on merits are kept open.
10. In view of the disposal of writ petition, the ad-interim order stands vacated.

(S.G. MEHARE. J.)

(R.D. DHANUKA, J.)