

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.1940 OF 2022**

Glider Buildcon Realtors Pvt. Ltd.

.....Petitioner

Vs.

Mr. Vikram B. Sanghani & Anr.

.....Respondents

Mr. Mayur Khandeparkar a/w. Ms. Saloni S. and Mr. Amit Mishra i/b. Dhaval Vassonji Associates for the Petitioner.

Mr. Nilesh Gala a/w. Mr. Rahul Thekkedath, Mr. Bhuvan Thakker and Mr. Yash Sutaria i/b. Malvi Ranchoddas & Co. for Respondent No.1.

CORAM : A. S. GADKARI, J.

DATE : 28th MARCH, 2022.

PC.:-

It is the grievance of the Petitioner that, on 16th December, 2021 his Advocate in fact was not heard in the matter and the Respondent No.2 closed the said matter for Orders.

Record indicates that the Petitioner on 16th December, 2021 itself has filed a Misc. Application in the Complaint for recalling of the said Roznama/Orders dated 16th December, 2021 and the same is also pending for adjudication before Respondent No.2. In para 7 of the said Application, the principal ground for recalling of the Roznama/ Orders dated 16th December, 2021 has been elaborately mentioned.

2 In view of the fact that, an opportunity of being heard to the

Petitioner was not offered by the concerned Authority, the Roznama/Order dated 16th December, 2021 is set aside and the Respondent No.2 is directed to hear the Petitioner's Advocate on a specific date and thereafter proceed to pass an appropriate Order, as per the provisions of law.

3 Respondent No.2 shall fix a date of hearing after production of present Order by the Petitioner before it and after hearing the Petitioner's Advocate may pass final Orders in the Complaint filed by the Respondent No.1.

4 Mr. Khandeparkar, learned counsel for the Petitioner, on instructions, submitted that the Petitioner will not file any additional documents for the consideration before the Respondent No.2 and will proceed for its arguments on the basis of the documents which are already on record.

5 Petition is allowed in the aforesaid terms.

No order as to costs.

(A.S. GADKARI, J.)