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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 1902 OF 2022**

Ajinkyatara Sahakari Sakhar Karkhana Ltd.
Co. Op. Sugar Factory and Anr.

.....Petitioners

Vs.

Union of India and Ors.

.....Respondents

Mr. Darius B. Shroff, Senior Counsel a/w Mr. Rahul Jain i/by Alpha Chambers for Petitioners.

Mr. Jitendra Mishra a/w Ms. Sangeeta Yadav for Respondent Nos.1 & 2.
Smt. S. D. Vyas, 'B' Panel Counsel for State.

**CORAM : K. R. SHRIRAM &
A. S. DOCTOR, JJ.**

DATE : 5th SEPTEMBER, 2022

P.C.:-

1. The order impugned in this Petition is signed on 17th January, 2021. Mr. Mishra states that it is an error and it should be read as 17th January, 2022. Mr. Shroff for Petitioners submitted that this order has been passed demanding sum in excess of Rs.5 crores along with interest and penalty without even issuing show cause notice, granting personal hearing or considering any reply from Petitioner.
2. Mr. Mishra seeks leave to withdraw this order in view of what is stated in Affidavit of one Nasim Arshi affirmed on 8th April, 2022.
3. In view thereof the order impugned dated 17th January, 2022 (incorrectly noted as 17th January, 2021) is quashed and set aside.

Respondents may take such further steps as advised in accordance with law. If Respondents issue a show cause notice, at least four weeks time shall be granted to Petitioners for filing a reply and before any final adjudication order is passed, Petitioners shall be given a personal hearing with at least 7 working days advance notice. The order to be passed shall be a reasoned order. All rights and contentions are kept open.

Petition disposed.

(A. S. DOCTOR, J.)

(K. R. SHRIRAM, J.)