

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8318 OF 2022

M/s. Sun Pharmaceutical Industries Ltd.

... Petitioner

Vs.

Mr. Yogesh Trikamal Vani (HUF) & Ors.

... Respondents

Mr. Aditya Udeshi with Mr. Netaji Gawade, Mr. Mehul Khetia i/b M/s Sanjay Udeshi & Co. for the Petitioner.

Mr. Samir Vaidya with Mr. Kevin Gala, for the Respondent No.1.

Mr. S. H. Kankal, AGP for State-Respondent No.3.

CORAM: ABHAY AHUJA J.

DATE : 22ND JULY 2022

P.C.:

1. The Petitioner herein challenges the Direction No.III in the order dated 28th September, 2021 passed by the Respondent No. 3-Competent Authority, Konkan Division at Mumbai and the order dated 4th May, 2022 passed by the Respondent No. 4-Additional Commissioner, Konkan Division, Mumbai, impugned in the Petition.

2. With a view to settle the dispute, learned counsel for Petitioner and Respondent No.1 have tendered across the bar, Consent Minutes of Order dated 22nd July, 2022 duly signed by the learned counsel for the parties. The Consent Minutes of Order is taken on record and marked 'X' for the purposes of identification.

3. In accordance with the said Minutes of Order, the Petitioner shall deposit an amount of Rs. 48,67,000/- with the Registrar, High Court. The amount so deposited to be invested in interest being investments/deposits as per rules and to be disbursed subject to the final outcome of the proceedings before the Competent Authority or further orders of this Court in the matter provided hereinafter.

4. Upon the final disposal of the proceedings before the Competent Authority, if Respondent no. 1 is held to be entitled to the said amount, then the said amount with interest to be made over to the Respondent No. 1 upon an appropriate application made in that behalf to this Court. If the Petitioner is held to be entitled to the said amount, then the said amount with interest to be made over to Petitioner upon an appropriate application made in that behalf to this Court.

5. In this view of the matter, the impugned order dated 28th September, 2021 with respect to Direction No. III and the impugned order dated 4th May, 2022 are hereby set aside and the matter is remanded back to the learned Competent Authority, Konkan Division at Mumbai to decide the matter.

6. The Respondent No. 3-Competent Authority to hear both the parties and after giving them the opportunity to place on record their case, pass a reasoned order in accordance with law, preferably within a period of three months, without being influenced by the impugned orders i.e., order dated 28th September, 2021 and the order dated 4th May, 2022. All contentions are kept open.

7. It is clarified that this order is only with respect to Direction No. III in the impugned order dated 28th September, 2021.

8. Mr. Vaidya, learned counsel for Respondent No. 1 undertakes to file his vakalatnama in the matter. Let the vakalatnama be filed within one week.

9. The Petition to stand disposed in the above terms. No costs.

(ABHAY AHUJA, J.)

Digitally
signed by
NIKITA
YOGESH
GADGIL
Date:
2022.07.25
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