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

WRIT PETITION NO. 8698 OF 2022

Vasant Laxman Bhat

....Petitioner

V/s.

M/s. Arcil and Ors.

...Respondents

Mr. R.S. Apte, Senior Advocate a/w Mr. Parag Kale, Ms. Vaishali Vanjara and Ms. Dhanashree Bhate for Petitioner.

Mr. Ranjeev Carvalo a/w Mr. Sachin Chandrana, Ms. Mitali Adukia i/b Manilal Kher Ambalal & Co. for Respondent No.1.

Mr. Sanjay Palekar for Respondent Nos. 2 to 9.

Ms. Manjural Rao a/w Ms. Vaishali Bhikule and Ms. Sarika Gawde i/b Manmohan Rao for Respondent Nos.10, 11 and 12.

Mr. Vinit Jain for Respondent No.14.

**CORAM : K.R. SHRIRAM &
A.S. DOCTOR, JJ.
DATED : 22nd JULY, 2022**

P.C. :

1. In this petition, an order dated 29th June 2022 is impugned on various grounds, one of the ground being the Recovery Officer who passed the order impugned in the petition is not the officer who heard the parties. The Recovery Officer is Respondent No.13. Respondent No.13 in the impugned order records as under :

“While pronouncing the aforesaid order of arrest of C.D. No.2 in a open court, learned advocate for C.D. No.2, opposed the pronouncement of order on the ground that he has not argued his case. He had argued his case before my predecessor. He submitted that he is ready to argue his case today.”

2. Having heard the counsel following order is passed by consent :
- (a) The impugned order dated 29th June 2022 being Exhibit 252 impugned in this petition is quashed and set aside.
 - (b) The matter is remanded for *denovo* consideration to Recovery Officer, other than the person who has passed the impugned order, who shall after hearing and considering the submissions to be made by all the parties pass on merits reasoned order as he deems fit, in accordance with law.
 - (c) The Recovery Officer shall complete the hearing and pass order within six weeks from today.

3. Petition disposed.

(A.S. DOCTOR, J.)

(K.R. SHRIRAM, J.)