

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 15564 OF 2022**

Anil Stone Crushing Pvt. Ltd.

... Petitioner

Vs.

The Executive Engineer & Ors.

... Respondents

Rameshwar N. Gite for the Petitioner.

Rahul Sinha i/b. DSK Legal for Respondent Nos. 1 & 2.

**CORAM : K. R. SHRIRAM &
KAMAL KHATA, JJ.**

DATED : 21st DECEMBER 2022

PC. :

1. Mr. Rahul Sinha appearing for Respondent Nos. 1 and 2 very candidly states on instructions as an officer of the Court that Petitioner is justified in the grievances raised in the Petition.

2. Mr. Rahul Sinha states within two weeks from the date this order is uploaded, Respondent shall provide copies of the documents relied upon to prepare the provisional assessment order dated 3rd February, 2022 to Petitioner and Petitioner may respond to it and principles of natural justice will be followed.

3. In view of statement made by Mr. Rahul Sinha, we pass the following order:

- (a) Respondent Nos. 1 and 2 shall provide copies of documents including spot inspection report dated 3rd February, 2022, assessment sheet etc. relied upon by them to prepare the provisional assessment order dated 3rd February, 2022 together with panchanama, if any.
- (b) Within two weeks of receiving the documents, Petitioner shall file a representations/objections/response to the provisional assessment order.
- (c) Within three weeks thereafter, Respondent shall grant a personal hearing to Petitioner, notice whereof shall be communicated atleast 5 working days in advance.
- (d) Within two weeks of the personal hearing concluded, Respondent may pass final reasoned order dealing with all submissions of Petitioner.

4. In view of what is noted above, the notice of disconnection dated 12th December, 2022 is quashed. After final order is passed, Respondent Nos.1/2 may take such further steps as they may deem fit in accordance with law.

5. We clarify that we have not made any observations on merits of the matter.

6. Petition accordingly disposed.

(KAMAL KHATA, J.)

(K. R. SHRIRAM, J.)