

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO.523 OF 2022

M/s. Aai Tuljabhawani Transport ... Petitioner

- Versus -

The Central Warehousing Corporation
and others ... Respondents

Shri Rohit Joshi, Advocate for Petitioner.

Shri N.C. Phadnis, Advocate for Respondent Nos.1 and 2.

CORAM : NITIN JAMDAR AND
ANIL L. PANSARE, JJ.

DATE : 15 MARCH 2022

P.C. :

Heard Shri Rohit Joshi, learned Counsel for the
Petitioner, and Shri Phadnis, learned Counsel for the Respondent
Nos.1 and 2.

2) It is not necessary to detail the facts of the case
and suffice it to state that the Petitioner was not given hearing at
the time of passing the impugned order. According to
Respondent Nos.1 and 2, opportunity was given to the Petitioner,

which the Petitioner has not availed of. Be that as it may, the impugned order was passed without Petitioner being heard.

3) Shri Phadnis, learned Counsel for the Respondent Nos.1 and 2, states that instead of adjourning the matter any further at the instance of the Respondents, the petition can be disposed of as the Respondent Nos.1 and 2 will give hearing to the Petitioner and pass a fresh order. The learned Counsel further states that hearing will be given to the Petitioner on 23 March 2022.

4) The Petitioner will contact the Respondent Authority for time of hearing on 23 March 2022 in advance, which shall be given to the Petitioner. Shri Joshi, learned Counsel for the Petitioner, states that the Petitioner will not seek any adjournment on 23 March 2022. His statement is accepted.

5) Shri Phadnis, learned Counsel for the Respondent Nos.1 and 2, further states that after hearing, within a week order will be passed and communicated to the Petitioner by way of e-mail. That would be by 1 April 2022. Hearing can be either in person or through video conferencing.

6) Since a fresh order will be passed by the Respondent Authority, the observations made in the impugned order will be treated as *prima facie* opinion of the Respondent Authority.

7) In light of the fact that a fresh order will be passed by the Respondent Authority and that the impugned order will be considered as a *prima facie* opinion, *ad interim* order granted by this Court will continue till the decision is taken by the Respondent Authority. We make it clear that we have continued the *ad interim* order in the above circumstances and it shall not be considered as reflection on the merits of the controversy.

8) Writ petition is accordingly disposed of.

(ANIL L. PANSARE, J.)

(NITIN JAMDAR, J.)

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