

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

WRIT PETITION NO. 224 OF 2015

Hindalco Industries Limited

...Petitioner

Versus

The State of Maharashtra through its Secretary,
Dept. of Revenue and Forests & Ors.

...Respondents

Mr. Prathamesh Kamat a/w Mr. Dinesh Pednekar & Mr. Swapnil Gupte i/b Economic Laws Practice for Petitioner (Through VC).
Mr. A. I. Patel, Addl. GP a/w Ms. Kavita N. Solunke, AGP for Respondent-State.

Mr. Dinesh B. Paithankar, Nayab Tahsildar, Thane is present in Court.

**CORAM: K. R. SHRIRAM &
DR. NEELA GOKHALE, JJ.**
DATED: 2nd November 2023

PC:-

1. Though various prayers are sought in the petition, the primary grievance of Petitioner, as it appears from the amended prayer clause (a1) is that, Petitioner is aggrieved by an order dated 19th January 2015. By this order, Petitioner's submissions have been rejected and it is Petitioner's case that all submissions of Petitioner have not been considered including the submission that when a de-merger happens, there is no transfer.

2. Mr. Patel, learned AGP relying on an affidavit-in-reply filed through one Mr. Yuvraj Kaluram Bangar affirmed on 21st October 2023 states that Petitioner may re-submit their application/proposal

and the State Government will consider the same in accordance with law.

3. Mr. Kamat, on instructions, states that Petitioner will make such an application, but all rights and contentions of Petitioner should be kept open and since Petitioner have been enjoying a stay as per impugned order dated 19th January 2015, the same be continued until disposal of Petitioner's representation.

4. We, therefore, pass the following order :

- a. The order dated 19th January 2015 is hereby quashed and set aside.
- b. Petitioner to file further submissions should they wish to, along with the copy of documents on which they relied upon, within four weeks from today.
- c. The concerned authority shall consider Petitioner's application/representation and pass such order as it deems fit in accordance with law on or before 31st March 2024.
- d. Before passing an order, personal hearing shall be given

to Petitioner. Notice whereof shall be communicated atleast seven working days in advance.

- e. After the personal hearing, should Petitioner wish to file written submissions recording what transpired during the personal hearing, the same may be filed within three working days of the completion of personal hearing.
 - f. All rights and contentions are kept open.
 - g. The protection that Petitioner enjoying shall continue till 31st March 2024 or upto the date on which Petitioner's application/representation will be decided and communicated to Petitioner, whichever is earlier.
5. We hasten to add that we have not made any observation on the merits of matter.
6. Petition disposed.

(DR. NEELA GOKHALE, J.)

(K. R. SHRIRAM, J.)

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KRISHNA
KOTAWADEKAR

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