

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2745 OF 2023

Panama Wind Energy Private LimitedPetitioner

Vs.

State of Maharashtra and Ors.Respondents

Ms. Shruti Sardessai a/w. Mr. Aurup Dasgupta, Ms. Sonam Ghiya and
Ms. Aishah Shekhani i/b. Jhangiani Narula and Associates for petitioner.
Ms. Kavita N. Solunke, AGP for respondent nos.1 and 3 - State.

CORAM : K. R. SHRIRAM &
RAJESH S. PATIL, JJ.
DATED : 13th MARCH 2023

PC. :

1 On 3rd March 2023 this Court was pleased to pass the following
order :

1. At the outset Mr. Andhyarujina sought leave of the court to delete Respondent No.4 and Respondent No.5. Mr. Andhyarujina also states that at Exhibit 'D', an incorrect document was annexed and tenders the correct document which should be annexed as Exhibit 'D'. Mr. Andhyarujina seeks leave to amend. Leave granted. Amendment to be carried out forthwith. Re-verification dispensed with.

2. Petitioner has received on 28.02.2023 a notice dated 27.02.2023 from Respondent No.2 calling upon Petitioner to show cause on or before 03.03.2023 as to why Petitioner's Infrastructure Clearance Registration Certificate/basic amenity consent letter should not be cancelled.

3. Mr. Andhyarujina states the time given is too short and at least time till 10.03.2023 should be given to respond.

4. There is an Affidavit of service dated 03.03.2023 of one Rakesh Tambe confirming service upon Respondent Nos. 1, 2 and 3. Respondent Nos. 1 and 3 are represented, and as regards Respondent No.2, prima-facie appears to have been served.

5. We are also prima-facie satisfied that the time given to show cause is too short, and therefore, we grant time to

Petitioner to respond to the show cause notice on or before 10.03.2023. Respondent No.2 may pass such orders, as it deem fit in accordance with law on the show cause notice impugned in the Petition, but before passing any order, which shall be a reasoned order, Petitioner shall be given a personal hearing, notice whereof shall be communicated atleast five working days in advance. Should Petitioner wish to file written submissions recording what transcribed during the hearing, the same shall be filed within three working days after conclusion of personal hearing.

6. The order passed thereafter shall deal with all submissions of Petitioner. No coercive steps to be taken until the show cause notice is disposed.

7. Copy of this order shall be communicated by E-mail, Courier, Speed Post and also by hand delivery and an Affidavit of service shall be filed before the next date of hearing.

8. Stand over to 13.03.2023 for directions.

2 Ms. Sardesai relies upon an affidavit of one Ashok Shintre affirmed on 11th March 2023 and submits that a copy of the amended petition together with a copy of the order dated 3rd March 2023 has been served on respondent no.2, which is the contesting respondent. We have seen the affidavit. Despite service, respondent no.2 is not represented. Ms. Solunke, learned AGP leaves it to the Court to pass appropriate orders.

3 In the circumstances, considering the nature of the reliefs sought in the petition, we confirm the order dated 3rd March 2023 as order in this petition and dispose the petition.

4 If the show cause notice is not discharged but an order is passed detrimental or prejudicial to petitioner, the order shall not be implemented for two weeks from the date of communication of the said order.

5 Petition disposed.

6 We clarify that we have not made any observation on the merits of the matter.

7 Petitioner is directed to serve a copy of this order upon respondent no.2 by hand delivery, courier and email.

8 All to act on authenticated copy of this order.

(RAJESH S. PATIL, J.)

(K. R. SHRIRAM, J.)