

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

WRIT PETITION NO.3238 OF 2023

Avinash Prakash Bomdyal

.....Petitioner

Vs.

The Commissioner (Textiles) and Ors.

.....Respondents

Mr. Akshay Kulkarni for petitioner.

Mr. A.I. Patel, AGP a/w. Ms. Kavita N. Solunke, AGP for State – respondent.

**CORAM : K. R. SHRIRAM &
RAJESH S. PATIL, JJ.**

DATED : 17th APRIL 2023

PC. :

1 Petitioner was the Chairman of respondent no.2. Petitioner has received a show cause notice dated 8th December 2022 from respondent no.1 calling upon petitioner to make certain disclosures. Mr. Kulkarni states that the show cause notice has been issued relying on a report dated 5th August 2022 issued by one Battul and Associates, respondent no.3. Mr. Kulkarni states that despite being called upon to provide a copy of the report of respondent no.3, the report has not been provided. At the same time, petitioner has submitted a preliminary reply to the show cause notice. Mr. Kulkarni is justified in his submissions that without a copy of the audit report of respondent no.3, relying on which the show cause notice has been issued, petitioner will not be able to effectively respond to the allegations made against petitioner.

2 In our view, this petition can be disposed by directing respondent no.1 to provide a copy of the report issued by respondent no.3 as requested by petitioner in his communication dated 21st December 2022.

3 Respondent no.1 shall provide a copy of the report issued by respondent no.3 to petitioner on or before 24th April 2023. After receiving the report, petitioner to file reply/additional reply and serve a copy thereof by 6th May 2023.

4 Respondent no.1 to dispose the show cause notice on or before 3rd June 2023. Respondent no.1 shall also give a personal hearing to petitioner, notice whereof shall be communicated to petitioner atleast five working days in advance.

5 Should petitioner wish to file written submissions recording what had transpired during the personal hearing, petitioner shall do so within three working days of a personal hearing.

6 The order to be passed shall be a reasoned order dealing with all submissions of petitioner.

7 Petition disposed.

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

(RAJESH S. PATIL, J.)

(K. R. SHRIRAM, J.)