

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3224 OF 2023**

Nisagra Renewable Energy Private LimitedPetitioner

Vs.

The State of Maharashtra and Ors.Respondents

Mr. Vineet Naik, Senior Advocate a/w. Adv. Sukand Kulkarni, Adv. Aniesh Jadhav, Adv. Yigal Gabriel and Adv. M. Mistry i/b. Khaitan and Co. for petitioner.

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

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

DATED : 13th MARCH 2023

PC. :

1 Mr. Naik for petitioner states that petitioner has replied to the show cause notice dated 2nd February 2023 issued by respondent no.2 and notice dated 2nd March 2023 issued by respondent no.5. As regards the response to notice dated 2nd March 2023, the notice refers to two documents and respondent no.5 has made available only one document dated 24th November 2022. Mr. Naik states that once the other document also is received from respondent no.5, petitioner will be able to effectively respond to the notice. Ofcourse Mr. Naik had lot to say on the merits of the matter but since the subject matter is still at the notice stage issued by respondent nos.2 and 5, we are not inclined to go into that at this stage.

2 Therefore, petition is disposed with the following order :

(a) respondent no.2, before passing any order and that order shall be a reasoned order dealing with

all submissions of petitioner, shall give a personal hearing to petitioner;

(b) notice of personal hearing shall be communicated to petitioner atleast five working days in advance;

(c) should petitioner wish to file written submissions recording what transpired during the personal hearing, the same to be submitted within three working days of the personal hearing;

(d) respondent no.5 shall make available to petitioner the document dated 18th January 2023 that is relied upon in the notice dated 2nd March 2023 within one week of receiving a copy of this order;

(e) within two weeks thereafter, petitioner shall file detailed reply to the notice dated 2nd March 2023;

(f) respondent no.2, before passing any order and that order shall be a reasoned order dealing with all submissions of petitioner, shall give a personal hearing to petitioner;

(g) notice of personal hearing shall be communicated to petitioner atleast five working days in advance;

(h) should petitioner wish to file written submissions recording what transpired during the personal hearing, the same to be submitted within three working days of the personal hearing;

(i) should any of these orders to be passed by respondent no.2 or respondent no.5 is prejudicial to petitioner, the orders shall not be acted upon for two weeks from the date of communicating the said orders.

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

4 Until these notices are disposed in accordance with what is stated above, respondent no.2 or respondent no.5 or other respondents, as the case may be, shall not take any coercive steps.

(RAJESH S. PATIL, J.)

(K. R. SHRIRAM, J.)