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

WRIT PETITION NO. 3622 OF 2020

Circular Angle

... Petitioner

V/s.

Jurisdictional Designated Committee & Ors.

... Respondents

Mr. Devendra H. Jain for the Petitioner

Mr. Pradeep S. Jetly, Senior Advocate with Mr. Jitendra Mishra and
D.B. Deshmukh for the Respondent

***CORAM : NITIN JAMDAR &
ABHAY AHUJA, JJ.***

DATE : 01 FEBRUARY 2023

P.C. :-

Heard the learned Counsel for the parties.

2. The Petitioner is aggrieved by the rejection of the Petitioner's declaration filed under Sabka Vishwas (Legacy Dispute Resolution) Scheme 2019 (SVLDRS). It is not necessary for us to detail the facts of the case in the light of the rejection of the Petitioner's declaration in terms of Form SVLDRS-3 without any reason whatsoever in the remark column only word appears is "OK".

3. In *M/s. Jamuar Brothers v/s. Union of India & Ors.*¹ the Division Bench of this Court has observed thus :-

“6. It is not contended before us by the Respondents nor it can be contended that the Designated Committee is under no obligation to give any reason whatsoever. The Scheme of Section 127 as above contemplates issuance of estimate under Form SVLDRS-2 and then, after giving hearing to the declarant, when sought for, the final statement is issued. Therefore, after the estimate is issued, the declarant can put forth his case that the estimate is not correct and the hearing provided enables him to do so. If the declarant is not informed why his contentions are not accepted, then the statutory requirement of giving opportunity of hearing would be meaningless. We do not intend to suggest that the statutory scheme requires the Designated Authority to pass an order akin to a judgment, but the remarks in the column, even if brief, should be discernible. In the cases at hand, either there are no remarks or cryptic unclear remarks. The Respondents have filed exhaustive replies seeking to place on record the reasons. Therefore, it is for the first time in this Court an adjudication will have to take place on the basis of replies filed. Such position cannot be countenanced. The Respondents cannot be permitted to abdicate their duty to fill up the Remarks column in SVLDRS-3 in a meaningful manner. The failure to do so is adding to the already crowded docket of this Court. Therefore, we are constrained to remand the matters to emphasis upon and inculcate administrative discipline on the offices of the Respondents to provide reasons as required by the Statue, by setting aside the impugned orders/communications and directing remedial action.”

¹ Writ Petition No. 3228/2020 dated 11 January 2023

4. In the light thereof, we set aside the impugned declaration of the Petitioner. The Respondent No.1 either issue fresh SVLDRS Form giving reasons in the remark column or issue a separate order containing reasons. If the Petitioner is not satisfied with the reasons so given, it is open to the Petitioner to take such action as permissible in law. Since the Petitioner has asked for hearing, in the facts and circumstances of the case, the Respondents will give hearing to the Petitioner and then pass the order as we have indicated above.

5. The Writ Petition is accordingly disposed of in above terms.

ABHAY AHUJA, J.

NITIN JAMDAR, J.

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