

VRJ

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

WRIT PETITION NO.549 OF 2024

VAIBHAV
RAMESH
JADHAV
Digitally signed by
VAIBHAV RAMESH
JADHAV
Date: 2024.01.15
18:12:54 +0530

Neelam Ganesh Suryawanshi

... Petitioner

V/s.

The State of Maharashtra & Ors.

... Respondents

Mr. Surel S. Shah i/by Mr. Vinayak R. Salokhe with Ms.
Sampada Khanolkar for the petitioner.

Mr. P. G. Sawant, AGP for the State.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 15, 2024

P.C.:

1. This Court, by order dated 21st December 2023 in Writ Petition No.15989 of 2023 directed the Minister of State Excise to decide stay application filed by the petitioner and, thereafter, revision expeditiously and in any event before 31st March 2024.

2. Mr. Surel S. Shah, learned advocate for the petitioner invited my attention to order dated 30th December 2023, which has confirmed order dated 8th December 2023 passed by the Commissioner and order dated 4th October 2023 passed by the Collector.

3. Once this Court directs the Minister to adjudicate the stay application and the writ petition, it is expected that the Minister shall exercise power in judicial manner. It is expected that he should afford opportunity of hearing to the petitioner and pass

reasoned order. Lack of reasons while exercising quasi-judicial order violates principles of natural justice. The Constitution Bench of the Apex Court in the case of **S. N. Mukharjee v. Union of India** reported in 1990 (4) SCC 594 has held that the old distinction between the administration and quasi-judicial order has not been obliterated. It is expected from the quasi-judicial authorities to act in judicial manner. Duty to act judicially includes opportunity to give hearing and pass reasoned order. The impugned order communicated by Desk Officer does not even refer to the date of any adjudication or any finding on merits.

4. Hence I, therefore, constrained to pass following order:

- a) The impugned order dated 30th December 2023 is quashed and set aside.
- b) The Minister of State Excise is directed to decide forthwith the application for stay.
- c) The petitioner shall appear before the Minister on 22nd January 2024.
- d) The Minister shall grant opportunity of hearing to the petitioner and after considering the case on merits shall either decide the application for stay or revision within two weeks from 22nd January 2024.

5. It is made clear that no application for extension of time shall be considered.

6. The writ petition stands disposed of.

(AMIT BORKAR, J.)