

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION NO. 64 OF 2023
IN
WRIT PETITION NO. 11600 OF 2019

Ajit A. Salvi .. Review Petitioner
IN THE MATTER OF
Mumbai Khadi & Village Industries Association .. Petitioner
Versus
The State of Maharashtra & Ors. .. Respondents

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Mr. Mathew S. Nedumpara a/w Ms. Hemali Kurne & B. S. Munday i/b Nedumpara & Nedumpara for the Petitioner.
Mr. Rashmin Khandekar a/w Ms. Krishni Khanna, Atmaram Patade, Shalaka Shinde, Aryaa Shirodkar and Rohit Rao i/b Atmaram Patade for Respondent (Original Petitioner).
Mr. P. P. Kakade, GP a/w Mr. O. A. Chandurkar, Addl. GP a/w Mr. M. M. Pabale, AGP for the State.

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CORAM : A. S. GADKARI AND
SANDEEP V. MARNE JJ.
DATE : 6 FEBRUARY 2024.

P.C. :-

1) Review Petitioner has filed the present Petition, seeking review of Order dated 25th April, 2023 passed in Writ Petition No. 11600 of 2019, by which, this Court has set aside Order dated 9th September, 2019 passed by

the Hon'ble Minister, on the ground of non-grant of adequate opportunity of hearing to the original Writ Petitioner before passing the said Order. This Court therefore remitted the proceedings before the Hon'ble Minister.

2) Review of the Order is sought on the ground that, the learned Advocate General for the State did not apprise this Court on 25th April, 2023 that, the Hon'ble Revenue Minister had afforded due opportunity of hearing to the original Petitioner and the plea of violation of principles of natural justice was mischievous one.

3) It is seen that the Review Petitioner was not a party to Writ Petition No.11600 of 2019. He did not file any proceedings seeking intervention in that Petition. Even otherwise, an Order dated 25th April, 2023 is passed by this Court after noticing the contents of para three of the Order dated 9th September, 2019 passed by the Hon'ble Minister making it apparently clear that, the original Petitioner had sought time on 18th June, 2019, which request was rejected and direction was issued for filing written submissions within eight days. The original Petitioner filed one more application on 19th June, 2019 for recall of the Order dated 18th June, 2019. The Hon'ble Minister however proceeded to pass the final Order dated 9th September, 2019 without granting hearing to the original Petitioner. In the light of these facts, this Court held that an opportunity of hearing was not granted to the original Petitioner. Therefore no error apparent on the face of record can be traced in the Order under review.

4) It also appears that, in pursuance of the Order dated 25th April, 2023 passed by this Court, the Hon'ble Minister has passed Order dated 28th June, 2023 in the remanded Revision filed by the original Petitioner. As a matter of fact, the said Order was passed by the Hon'ble Minister before filing of the present Review Petition which appears to have been filed on 14th July, 2023. The Order under review was thus already worked out at the time of filing present Review Petition. In case the Review Petitioner is aggrieved by the Order dated 28th June, 2023, he is at liberty to adopt appropriate proceedings in that regard, as may be permissible under the law.

5) In view of the above and after perusing entire record, we do not find any error apparent on the face of the record in the Order dated 25th April, 2023.

The Review Petition is accordingly rejected.

[SANDEEP V. MARNE, J.]

[A. S. GADKARI, J.]