

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 828 OF 2024

Ravindra Dewoo Dhuri

.Petitioner

Versus

The Grievance Redressal Committee, Mumbai & ors.

.Respondents

Mr. Indrajit Pawar, Advocate, for the Petitioner

Mr. Milind More & Mr. Manish Upadhye, AGPs, for the Respondent - State

Ms. Tanaya Goswami, Advocate, for the Respondent Nos. 1 & 3

Mr. Noorain Patel a/w. Mr. Damiyal Khan i/b. Diamondwala & Co., Advocate, for the Respondent No. 6

CORAM : MADHAV J. JAMDAR, J.

DATE : 20.08.2024

P. C.

1. By the present Writ Petition preferred under Article 226 of the Constitution of India, the Petitioner is challenging the legality and validity of the Order dated 20.10.2020 passed in Appeal No. 43 of 2019 (Exh M/121-126) by the Appellate Authority i.e. Additional Collector (E & R) and Appellate Authority, Western Suburban, Mumbai as well as the Order dated 25.11.2022 passed by the Additional Collector, Grievance Redressal Committee ('GRC'), Mumbai in Appeal No. 336 of 2020 (Exh L/Pg 155)-. The challenge in the said Appeal No. 43 of 2019 is to the Annexure-II. The Appellate Authority has passed

the impugned Order rejecting the Appeal as the Appeal has been filed after a delay of about 13 years. The said Order has been confirmed by the GRC. The main ground for passing the impugned Order dated 20.10.2020 is that sufficient cause is not shown for filing an Appeal after the delay of 13 years. The GRC has confirmed the said order by discussing certain aspects regarding delay condonation.

2. Learned counsel for the Petitioner states that a detailed delay condonation Application is filed which is at Exh.I (Page Nos. 102 to 104). However, the impugned Order has been passed by the Additional Collector (E & R) without considering the reasons stated in the delay condonation Application. In the delay condonation Application, it is specifically stated that although Annexure-II has been prepared in the year 2006, the said Annexure-II was not disclosed to the members of the Society and the Society treated the same as confidential document.

3. In any case, the impugned Order of the Additional Collector (E & R) shows that the reasons stated in the delay condonation Application are not considered by the Appellate Authority. Although GRC has given reasons for rejecting prayer for delay condonation, however, the Additional Collector (E & R) has not considered the reasons for delay condonation.

4. Accordingly, the impugned Order dated 20.10.2020 passed in

Appeal No. 43 of 2019 as well as the Order dated 25.11.2022 passed by the Additional Collector, GRC, Mumbai in Appeal No. 336 of 2020 are quashed & set aside and the said Appeal No. 43 of 2019 alongwith delay condonation Application are remanded back to the Additional Collector (E & R).

5. The Writ Petition stands disposed of in above terms with no order as to costs.

6. It is clarified that this Court has not considered the merits and all the contentions on merits including the contentions raised regarding delay condonation are expressly kept open.

[MADHAV J. JAMDAR, J.]