Arjun

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

WRIT PETITION NO.2266 OF 2024

M/s. Charisma Builders …Petitioner
Through its Proprietor
Mr. Sudhir V. Shetty

Versus

Hon'ble Minister for State (Revenue) & Ors. …Respondents

Mr. Anoshak Daver a/w Ms. Gauri Joshi i/b Ganesh & Co., for the Petitioner.

Mr. Mohit Jadhav, Addl. GP a/w Mr. Prashant Kamble, AGP, for the Respondent Nos.1 to 4 – State.

Mr. Chintamani K. Bhangoji, for Respondent No.5.

Mr. R. K. Mendadkar, for Respondent No.7.

CORAM: MADHAV J. JAMDAR, J.
DATED: 10 SEPTEMBER 2024

P.C.:

1. Heard Mr. Daver, learned Counsel for the Petitioner, Mr. Jadhav, learned Additional GP, for the Respondent Nos.1 to 4 – State, Mr. Bhangoji, learned Counsel for Respondent No.5, and Mr. Mendadkar, learned counsel for Respondent No.7.

2. Mr. Daver, learned Counsel for the Petitioner has raised several contentions. Mr. Mendadkar, learned Counsel and Mr. Bhangoji, learned Counsel for the contesting Respondents have also raised various contentions. However, one of the contention raised by Mr. Daver, learned Counsel is that the Appeal No.2617/P.K.13/J-3 has been heard on 27th October 2020 and the Order has been passed on 3rd June 2022 after a period of about 2 years. He therefore submitted that in view of the law laid down by the Supreme Court in that regard on that ground alone, the impugned Order is required to be quashed and set aside.

3. Mr. Mendadkar, learned Counsel and Mr. Bhangoji, learned Counsel for the contesting Respondents, on instructions, state that in view of said contention raised by learned Counsel for the Petitioner, the impugned Order can be quashed and set aside. Both of them only state that the Hon'ble Minister be directed to decide the said Appeal expeditiously.

4. In view of the above contentions, by consent, following Order is passed:-

(i) The impugned Order dated 3rd June 2022 passed by the Respondent No.1 – Minister for State (Revenue) in Appeal No. 2617/P.K.13/J-3 [Page Nos.43 to 54 of the Writ Petition Compilation] is quashed and set aside and the said Revision is remanded back to the concerned Hon'ble Revenue Minister for fresh decision.

(ii) The concerned Minister to hear all the parties afresh and to pass Order in the said Revision.

(iii) The concerned Minister for Revenue is requested to dispose of the said Revision within a period of 6 months from today.

5. The Writ Petition is 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 contentions on merits are expressly kept open.

[MADHAV J. JAMDAR, J.]