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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9152 OF 2019

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Dastagir Abdul Mulani

... Petitioner

V/s.

Gafur Rahiman Mulani, through
PoA Shaukat G. Mulani & Ors.

... Respondents

Mr. Umesh R. Mankapure for the petitioner.

Mr. Prajakt M. Arjunwadkar for respondent No.1.

Ms. Dhruiti Kapadia, AGP for respondent Nos.4 to 7-
State.

CORAM : AMIT BORKAR, J.

DATED : MARCH 6, 2025

P.C.:

1. The challenge in this writ petition is to an order passed by respondent No.7 – Minister for State Revenue in RTS No.134 of 2018.

2. Learned Advocate for the petitioner submitted that the order impugned before the Minister was passed in the year 1997; however, the appeal before the Minister was filed in the year 2019. The State has filed an affidavit in the present writ petition contending that though application for condonation of delay was filed, no separate order was passed on the application for condonation of delay, nor delay was condoned by way of

impugned order. Unless delay is condoned, the Minister could not get jurisdiction to decide the issue on merits. Hence, the impugned order cannot be sustained.

3. Accordingly, rule is made absolute in terms (a).

4. Proceedings are remanded back to the Minister for State Revenue for deciding the application for condonation of delay, which shall be decided within three weeks from the date of appearance of the parties.

5. The parties shall appear before the Minister for State Revenue on 7 April 2025 at 2.30 p.m.

(AMIT BORKAR, J.)