

Rekha Patil

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 10802 OF 2024
IN
WRIT PETITION NO. 13951 OF 2017

Satpre Chemicals Pvt. Ltd. ...Applicant

IN THE MATTER BETWEEN

Satpre Chemicals Pvt Ltd ...Petitioner

Versus

State of Maharashtra Through The Government ...Respondents
Pleader & Ors

Mr. Minil Shah, through V. C., a/w Mr. Khyati Bora i/b Law Square,
for the Applicant/Petitioner.

Mr. M. M. Pabale, AGP, for the Respondent No.1-State.

Mr. Sandip D. Ghaterao, for the Respondent No.2-NMMC.

CORAM: SUMAN SHYAM &
SHYAM C. CHANDAK, JJ.

DATED: 20th AUGUST 2025.

PC:-

1. This Interim Application has been filed with a prayer to recall the order dated 28th February, 2018, passed by a Co-ordinate Bench of this Court (Coram: A. S. Oka & Riyaz I. Chagla, JJ.) in Writ Petition No. 13951 of 2017, dismissing the Writ Petition filed by the applicant for non prosecution on the ground that the applicant had failed to supply copies of the Writ Petition to the respondents within a time provided by the Court. Contending that

the petitioner had already paid the tax as per the demand made by the Authorities and the only issue that now remains to be adjudicated is pertaining to the validity of the amount of penalty and the interest payable therein.

2. Mr. Minil Shah, learned Counsel appearing for the applicant, submits that unless the Writ Petition is restored to its original file and the matter is heard on merit, the petitioner would suffer serious prejudice. He further submits that the default on the part of the petitioner's Counsel to supply extra copies of the Writ Petition was due to a communication gap amongst the learned Counsel for the parties and hence, the same is not attributable to the petitioner. Therefore, for the ends of justice, the prayer made in the application is allowed.

3. Mr. Pabale, learned AGP and Mr. Ghaterao, learned Counsel appearing for the respondents, on the other hand, have submitted that there is unexplained delay of five years in approaching the Court by filing this application and, therefore, the Interim Application be rejected on such count alone.

4. We have considered the arguments advanced at the bar and have also gone through the material available on record. We find that there is demand of tax on the petitioner alongwith penalty charges as well as interest. Therefore, if the challenge made in the Writ Petition is not heard and decided on merit, the same may cause prejudice to the interest of the applicant. However, on the other hand, the conduct of the applicant is also found to be wanting inasmuch as there is no proper explanation, as to why, the Interim Application could not be filed earlier.

5. Be that as it may, by balancing equities and having due regard to the facts of the case, we are inclined to allow the prayer made in the application, subject, however, to deposit an amount of Rs.25,000/- as costs. The amount of cost as imposed by this order, is to be deposited with the “The High Court Employees Medical Welfare Fund at Mumbai”, account within a period of three weeks from today. The bank details are as follows:-

Account Name	:	The High Court Employees Medical Welfare Fund at Mumbai.
Account No.	:	000120110001337
Bank	:	Bank of India, Mumbai Main Branch, Mumbai.
IFSC Code	:	BKID00000001

6. Subject to the above condition, the Writ Petition be restored to its original file.

7. Interim Application stands disposed of accordingly.

(SHYAM C. CHANDAK, J.)

(SUMAN SHYAM, J.)