

Gitalaxmi

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2188 OF 2025

Baburaya Manjunath Prabhu Since
Decd. Through LRs. Shri. Vivek
Baburaya Prabhu ... Petitioner

V/s.

The Grievance Redressal Committee,
New Suburban, Mumbai & Ors. ... Respondents

Mr. Gautam Kanchanpurkar, Adv. for the Petitioner.

Ms. Dhruti Kapadia, Adv. for Respondent No. 1-GRC.

Mr. N. R. Salvi, Registrar of GRC is present in the Court.

Mr. Santosh Parad a/w Mr. Anand Khairnar i/b Ms. Komal Panjani, Adv. for Respondent No. 2-BMC.

Ms. M. S. Srivastava, A.G.P for the State-Respondent No. 3.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 21, 2025

P.C.:

1. The present Petition impugns the judgment and order dated 26th September, 2024, passed by Respondent No. 1. The principal ground urged by the Petitioner is that the impugned order came to be passed without affording him an opportunity of oral hearing. It is contended that such omission constitutes a breach of the fundamental principles of natural justice, more particularly the maxim *audi alteram partem*, which mandates that no one shall be condemned unheard.

2. The learned Advocate appearing for the appellate authority

(Respondent No. 1), on instructions, candidly submits that although the Petitioner was permitted to file written submissions, the authority is amenable to granting the Petitioner an opportunity for an oral hearing so as to dispel any apprehension regarding denial of a fair chance to present the case.

3. In light of the concession made on behalf of Respondent No. 1, this Court is of the considered view that the impugned judgment and order dated 26th September, 2024, cannot be sustained inasmuch as it stands vitiated by the apparent breach of the Petitioner's right to be heard. The denial of an oral hearing, in circumstances where the Petitioner specifically sought the same, offends the well-established norm that every litigant should be provided a fair, transparent, and meaningful opportunity to present his or her case.

4. Consequently, and in the interests of justice, the impugned judgment and order dated 26th September, 2024, is hereby quashed and set aside. The Appeal is remanded back to the Grievance Redressal Committee, New Suburban, Mumbai (hereinafter "the Committee"), for fresh adjudication strictly in accordance with law and in conformity with the principles of natural justice.

5. The Committee shall decide the Appeal afresh within a period of eight weeks from the date of receipt of this order. While doing so, the Committee shall mandatorily afford the Petitioner an opportunity of oral hearing so as to ensure that the Petitioner's right to a fair hearing is duly safeguarded.

6. With the aforesaid observations, the Petition stands disposed of.
7. It is further directed that, pending the Appeal, the Petitioner shall not be evicted.
8. There shall be no order as to costs.

(AMIT BORKAR, J.)

GITALAXMI
KRISHNA
KOTAWADEKAR

Digitally signed
by GITALAXMI
KRISHNA
KOTAWADEKAR
Date:
2025.02.21
19:52:15 +0530