

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2397 OF 2025

Mr. Rafique Munir Shaikh, Partner at
R.J. Virar Motors Auto Taxi Fare Meter Testing Centre ...Petitioner
Versus
State of Maharashtra and Ors. ...Respondents

Mr. Muttahar Khan a/w Ms. Kavisha Shah and Prathamesh Bhosale i/b. India
Law Alliance, for the Petitioner.
Ms. S.S. Bhende, AGP, for the Respondent - State.

CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE : 21 FEBRUARY 2025

P.C.:

1. This petition under Article 226 of the Constitution of India prays
for the following substantive reliefs:-

“(a) that this Hon’ble Court be pleased to quash and set aside
the Impugned Order dated 23rd January 2025 passed by
the Respondent No.2 (Exhibit – A) to the extent it rejects
the Petitioner’s application for being recognised as an
authorised testing centre.”

2. The petitioner is engaged in the business of testing, repairing and
installation of Auto - Taxi Fare Meters prescribed under the Maharashtra
Motor Vehicles Rules, 1989 and Legal Metrology Act, 2009.

3. The petitioner is aggrieved by the decision taken by the respondent
no.2 in its meeting dated 23 January 2025 rejecting the petitioner’s

Digitally signed
by PALLAVI
MAHENDRA
WARGAONKAR
Date:
2025.03.05
19:55:48
+0530

application seeking approval for authorised Auto - Fare Meter Testing and Recalibration Centre.

4. Mr. Khan, learned counsel for the petitioner would submit that the bare perusal of the impugned order would reveal that it is bereft of any reasons, rationale and/or justification in rejecting the petitioner's application. He submits that the impugned order being a non-speaking order disclosing no reasons, is inherently arbitrary and suffers from non-application of mind. Mr. Khan would urge that the submissions of the petitioner placed before respondent no.2 in the meeting held on 23 January 2025 have been given a complete go-by in passing the impugned order, of the even date. It is submitted that the impugned order is thus passed in contravention of the principles of natural justice which deserves to be set aside on such count alone as it causes grave and irreparable prejudice to the petitioner. Mr. Khan would place reliance on the judgment of the Supreme Court in the case of **Secretary and Curator, Victoria Memorial Hall v. Howrah Ganatantrik Nagrik Samity & Ors.**¹ and in **Konkan Railway Corporation Limited v. Union of India** dated 24 January 2025 to submit that as held in the said decisions, failure to provide reasons would tantamount to breach of principles of natural justice and thus, interference of this Court under Article 226 of the Constitution would be justified.

¹ (2010) 3 SCC 732

5. Ms. Bhende, learned AGP for the State would oppose the petition to support the impugned order. There is however, no written opposition on record filed on behalf of the respondents.

6. The issue before us is limited, that is to consider the legality and validity of the impugned order on the touchstone of non-adherence to the principles of natural justice as urged on behalf of the petitioner. We accordingly confine ourselves to such aspect without delving into the merits of the petitioner's application subject matter of consideration by the committee. We have perused the impugned order. The relevant portion of which reads thus :-

(Translation of a photocopy of the Minutes of the Meeting dtd. 23/01/2025 of Mumbai Metropolitan Region Transport Authority, typewritten in Marathi)

“All the items as per the agenda annexed hereto, were placed in the meeting of Mumbai Metropolitan Region Transport Authority and after detailed discussion thereon, the decisions were taken as mentioned hereinbelow:

Item No. 07/R.T.O., Vasai	Regarding granting approval to the Institute viz. M/s. R. J. Virar Motors, Virar (East), Taluka – Vasai, District – Palghar as Auto rickshaw Taxi Meter Testing Center.	The Authority has rejected the proposal for granting approval to the Institute viz. M/s. R. J. Virar Motors, Virar (East), Taluka – Vasai, District – Palghar as Auto rickshaw Taxi Meter Testing Center. Similarly, the Authority has given directions to take review of the entire work in respect of the Auto rickshaw/Taxi Meter Testing Private Center within the purview of Mumbai Metropolitan Region Transport Authority and to submit a report to that effect, immediately, to the Authority. (Decision No. 03/2025)”
--	--	---

7. A bare perusal of the impugned order indicates that it is a cryptic order. There are no reasons and/or findings recorded on the conclusion so reached, as rightly submitted on behalf of the petitioner. It clearly suffers from non-application of mind as it is passed without considering the materials and the submissions of the petitioner, placed before it, in the meeting dated 23 January 2025.

8. We are thus in agreement with Mr. Khan that the impugned order as it fails to comply with the principles of natural justice, which is a *sine qua non*, in passing such orders on this limited ground cannot be held to be legal and valid. The respondents cannot dispute the position in law laid down by the judgments (Supra) cited by Mr. Khan when he contends that an order passed in breach of principles of natural justice would be a nullity justifying interference of this Court under Article 226 of the Constitution of India.

9. In the light of the above discussion, the following order would meet the ends of justice:-

ORDER

- (i) The impugned order dated 23 January 2025 is quashed and set aside.
- (ii) The proceedings are remanded back to the respondent no.2 for *de novo* consideration of the petitioner's application, respondent no. 2 shall hear the petitioner on

the materials and pass a fresh speaking order on merits and in accordance with law, as expeditiously as possible, not later than within a period of 15 days from the date this order is made available to the respondent no.2.

- (iii) All contentions of the parties are expressly kept open.
- (iv) The petition is allowed in terms of prayer clause (a). No costs.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]