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

WRIT PETITION NO.6040 OF 2025

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Regent Spaces Through Rameshchand
Babulal Bohra ... Petitioner

V/s.

Mazda Theaters Private Limited & Anr. ... Respondents

Mr. Surel S. Shah, Senior Advocate with Aditya Shiralkar, Vivek Shiralkar, Yashoda Desai and Vijay Poojari i/by Shiralkar & Co. for the petitioner.

Ms. M.S. Srivastava, AGP for the State-respondent No.2.

Mr. Girish Godbole, Senior Advocate with Sharad Bansal, Ms. Apoorva Bhadang, Mr. Aayush Shah and Ms. Rashi Oswal i/by Vesta Legal for the respondent.

CORAM : AMIT BORKAR, J.

DATED : MAY 8, 2025

P.C.:

1. The present petition under Article 227 of the Constitution of India assails the legality and propriety of the interim order dated 23 April 2025 passed by the learned President, Maharashtra Revenue Tribunal, Mumbai in Appeal No. 209 of 2025, whereby, stay has been granted to the order dated 9 April 2025, in terms of prayer clause (b), and the matter has been adjourned to 19 August 2025 for further hearing.

2. At the very threshold, this Court is constrained to record its

disapproval of the manner in which the impugned order dated 23 April 2025 has been passed by the learned President of the Maharashtra Revenue Tribunal. The order grants an interlocutory stay which evidently affects the vested rights of the opposing party, yet it is entirely non-speaking, lacking any trace of legal justification, factual appraisal, or even a cursory reference to the factors weighed in the mind of the Tribunal. The absence of reasoning renders the order jurisdictionally vulnerable, for it gives no indication that there was any judicious exercise of discretion.

3. It is by now too well established to admit of doubt that the recording of reasons is the lifeblood of judicial and quasi-judicial functioning. It is the settled doctrine that reasons are the heartbeat of every conclusion; they are the soul of any adjudicatory process, without which the order becomes an insensible shell devoid of judicial content.¹ The Supreme Court in *S.N. Mukherjee v. Union of India*² emphasized that every quasi-judicial authority must record reasons, and that this requirement is implicit in the rules of natural justice. Similarly, in *Kranti Associates Pvt. Ltd. v. Masood Ahmed Khan*³, the Court eloquently observed that “insistence on recording of reasons is meant to serve the wider principle of justice that justice must not only be done but must also appear to have been done.” and “Reasons are the soul of orders. Non-recording of reasons would render the order indefensible and unsustainable.”

4. The legal principle is not merely procedural; it is a facet of

1 *Kranti Associates Pvt. Ltd. v. Masood Ahmed Khan*, (2010) 9 SCC 496, ¶47:

2 (1990) 4 SCC 594.

3 (2010) 9 SCC 496.

Article 14, grounded in the doctrine of non-arbitrariness in State action. When a quasi-judicial authority exercises discretion—particularly at the stage of granting interim relief—three classic tests are to be examined: (i) prima facie case, (ii) balance of convenience, and (iii) irreparable harm.⁴ The impugned order under consideration reflects no evaluation of any of these tests. Even in the rare cases where ex parte interim relief may be warranted, the law does not permit abdication of reasons, however brief.⁵

5. The doctrine of reasoned orders has its roots in constitutional common law, tracing back to *Ridge v. Baldwin*,⁶ where Lord Reid declared that the denial of reasons amounts to denial of justice. In India, the principle was cemented in *Mohinder Singh Gill v. Chief Election Commissioner*,⁷ where the Constitution Bench observed that administrative orders affecting rights must speak for themselves and cannot be justified by subsequent explanations in affidavits.

6. Thus, when the impugned order does not reveal the mind of the authority, it falls foul of the requirement of legality, reasonableness, and fairness, and suffers from a jurisdictional infirmity which renders it unsustainable in the eye of law.

4 *M. Gurudas v. Rasaranjan*, (2006) 8 SCC 367 –

5 *Bhupendra Singh v. State of U.P.*, (2010) 2 SCC 458 – even interim ex parte relief must be supported by brief reasons.

6 *Ridge v. Baldwin*, [1964] AC 40 – reasons form part of the audi alteram partem rule.

7 *Mohinder Singh Gill v. Chief Election Commissioner*, (1978) 1 SCC 405, ¶8 – "Orders are not like old wine becoming better as they grow older; they must stand on the reasons stated when made."

7. It must also be emphasized that the timing of the next date of hearing fixed by the learned President, i.e., nearly four months later on 19 August 2025, further exacerbates the prejudice caused to the respondent party. An ex parte ad-interim relief, though occasionally necessary to prevent immediate and irreparable harm, must be time-bound and proportionate. The Hon'ble Supreme Court in *State of U.P. v. Ram Sukhi Devi*,⁸ has stressed that while interim protection may be granted to preserve status quo, such protection must be coupled with expeditious hearing to balance both parties' rights.

8. It is not the form of interim relief but the effect it produces which must be constitutionally scrutinized. A stay order, even temporary, when granted without hearing and then allowed to operate for a long duration without judicial oversight, effectively becomes a decision in substance, without adjudication in law. This is impermissible. In *Morgan Stanley Mutual Fund v. Kartick Das*,⁹ the Court cautioned that ex parte injunctions should be granted only under the gravest circumstances and for the shortest possible duration, and must immediately be followed by hearing of the opposing party.

9. The concept of reasonable time, which is a derivative of natural justice and due process, is applicable not only to final decisions but equally to interlocutory timelines. To fix a returnable date after several months while granting immediate stay relief

8 (2005) 9 SCC 733,

9 (1994) 4 SCC 225,

reflects improper exercise of discretion and offends the mandate of *fair hearing*.

10. The learned President, acting in a quasi-judicial capacity, exercising appellate power ought to have appreciated that grant of interim relief, especially when it is ex-parte, must be governed by three cardinal tests, namely: *Prima facie* case; Balance of convenience; and Irreparable harm or injury. The impugned order does not reflect consideration of any of these factors. As such, the impugned order falls foul of the minimum standards expected from a quasi-judicial forum exercising discretion that substantially affects the rights of parties.

11. This Court is therefore of the considered view that the impugned order dated 23 April 2025 is unsustainable in law and is liable to be set aside on the short ground that it is non-speaking and fails to comply with the duty to act judicially, even at an interlocutory stage.

ORDER

(i) The impugned order dated 23 April 2025 passed by the President, Maharashtra Revenue Tribunal, Mumbai in Appeal No.209 of 2025 is hereby quashed and set aside.

(ii) The Maharashtra Revenue Tribunal, Mumbai is directed to consider the application for interim relief afresh, after hearing both parties, and pass a reasoned order within a period of one week from today.

(iii) The parties shall remain present before the

Maharashtra Revenue Tribunal on 9 May 2025 at 10:30 a.m., without waiting for any further notice.

(iv) It is clarified that this Court has not expressed any opinion on the merits of the matter, and the present order is passed solely on the ground that the impugned order is non-reasoned and thus suffers from jurisdictional error.

(v) The writ petition stands disposed of in the above terms. There shall be no order as to costs.

12. Pending interlocutory application(s), if any, stand disposed of.

(AMIT BORKAR, J.)