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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.12750 OF 2025**

Sanket Mohan Gharat

...Petitioner

*Versus*

The State of Maharashtra & Ors.

...Respondents

Dr. Abhinav Chandrachud a/w Mr. Saurabh Pakale, Mr. Nilesh Desai  
i/by Ms. Padmaja Malgaonkar, Advocate for the Petitioner.

Mr. Karan Thorat, 'B' Panel Counsel a/w Mr. Aditya Deolekar, AGP  
for Respondent No.1/State.

Mr. Jagdish Aradwad, Advocate for Respondent Nos.2 & 3.

**CORAM : RAVINDRA V. GHUGE**

**&**

**ASHWIN D. BHOBE, JJ.**

**DATE : 29<sup>th</sup> SEPTEMBER, 2025**

**P.C. :-**

1. The Petitioner was appointed as a Chief Examination Officer/Managing Director ('CEO/MD') of the 'STEM WATER DISTRIBUTION & INFRASTRUCTURE COMPANY PVT. LTD.' by a resolution passed by the Board of Directors. He was appointed for five years by way of a tenure appointment w.e.f. 23<sup>rd</sup> September, 2021, subject to the approval of the members of the Board of Directors of the Company. We are informed that the said approval was taken.

2. We have perused Item No.4 of the minutes at Page No.153, which further indicates that the Petitioner 'shall be reappointed on expiry of said period of five years, on satisfactory performance as per provisions in Articles of Association 150(b) of the Company and shall cease to be a Director upon his ceasing to hold the office of Chief Executive Officer/Managing Director of the Company'.

3. Clause No.2 below Annexure No.1, which is the Board resolution for appointment of CEO/MD, indicates that the Petitioner's initial tenure appointment will be for five years and be extendable depending on performance. The appointment shall be terminable on six months notice from either side. The Under Secretary of the State of Maharashtra, vide communication dated 26<sup>th</sup> September, 2025 writes to the Commissioner of the Thane Municipal Corporation, who is the Chairman of the Company, that the tenure appointment of the Petitioner be brought to an end forthwith and the temporary charge be handed over to a Competent Officer. Based on such communication, the Commissioner/Chairman of the Company issued an order immediately on the same day, declaring that the Petitioner's tenure

appointment is brought to an end. The charge was handed over to Mr. Prashant Sonagra, City Engineer of the Thane Municipal Corporation.

4. It is quite strange that the Under Secretary, who, *ex facie*, does not appear to have any authority and is also not a member of the Board of Directors, directs the Chairperson of the Company to terminate the tenure appointment of the Petitioner after he has completed four years and has one year to go for the conclusion of the first tenure appointment.

5. The learned AGP submits that he is under instructions to say that an enquiry was conducted by a Committee on the basis of certain complaints received against the Petitioner. He has no instructions as to (i) whether the copies of the complaints were served upon the Petitioner, (ii) whether the Petitioner was served with the copy of the enquiry report and (iii) whether his explanation was called for.

6. **Issue notices** to the Respondents. On the request of the Respondents, notices are made returnable on **15<sup>th</sup> October, 2025**,

since the Respondents desire to file their affidavits in reply, on or before 10<sup>th</sup> October, 2025.

7.           Until further orders, the post of CEO/MD shall not be filled in, without the leave of the Court.

**(ASHWIN D. BHOBE, J.)**

**(RAVINDRA V. GHUGE, J.)**