

Digitally signed
by PALLAVI
MAHENDRA
WARGAONKAR
Date:
2025.10.15
18:14:48
+0530

Pallavi

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

WRIT PETITION NO.12828 OF 2025

R. K. Life Space Developers Pvt. Ltd. ...Petitioner
Versus
The State of Maharashtra Thru. G. P. & Ors. ...Respondents

Mr. Siddharth Dustakar a/w Mohd. Rizwan Mohd Rabbani for Petitioner.

Ms. S.D. Vyas, Addl. G.P. a/w Mr. Aditya R. Deolekar, AGP for Respondent - State.

**CORAM : M.S. Sonak &
Advait M. Sethna, JJ.**

DATED : 8 October 2025

Oral Order (Per M.S. Sonak, J.):

1. Heard Mr Siddharth Dustakar, learned counsel for the Petitioner, who appears with Advocate Rizwan Mohd Rabbani, learned counsel for the Petitioner and Ms Vyas, Additional Government Pleader, appears with Mr Deolekar, AGP for the Respondents.
2. Rule. The Rule is made returnable immediately at the request of and with the consent of the learned counsel for the parties.
3. The Petitioner challenges the impugned order dated 12 December 2022 made by the 3rd Respondent *inter alia* on the ground that the same was made without due compliance with the principles of natural justice and fair play.
4. Normally, we would have relegated the Petitioner to the alternate

remedy of appeal. However, in this case, we are satisfied that the Petitioner deserves an additional opportunity to put forth its case to the adjudication proceedings for reasons briefly discussed hereafter.

5. The Petitioner was issued a show-cause notice on 29 September 2023, requiring the Petitioner to file a reply within 30 days. The Petitioner filed a reply on the 31st day, that is, on 31 October 2023, after a one-day delay. The impugned order was passed on 12 December 2023, approximately 42 days after the receipt of the Petitioner's reply. However, we observe that the Petitioner's reply has only been referred to but not sufficiently considered in the impugned order, on the grounds that the reply was delayed by just one day.

6. The Petitioner has also not bothered to explain why the reply could not be filed within the 30-day period granted to them. Still, in the peculiar facts of the present case, we feel that the prejudice that the Petitioner has suffered is disproportionate to its inaction. Besides, the learned counsel for the Petitioner, based on instructions from the Petitioner, has made a statement that the Petitioner would pay an amount of Rs. 2 Lakhs to the Tata Memorial Hospital, which is a government-run Hospital providing *inter alia* Cancer treatment to patients who cannot afford such treatment. The details of which are as follows: -

Bank Name	:	Central Bank of India
Branch	:	Tata Memorial Hospital
Address, Telephone & No. Fax No.	:	Dr. Ernest Borges Road, Parel Mumbai, 400 012. Tel. No. 022-24126487, Fax No. 022-24126487
Bank Account No.	:	1002449683
Account Type	:	Current
IFSC Code	:	CBIN0284241
MICR Code	:	400016112

7. Upon cumulative consideration of the above factors, we quash and set aside the impugned order dated 12 December 2023 and remand the matter to the file of 3rd Respondent for considering the Petitioner's reply, affording the Petitioner an opportunity of hearing and passing a fresh adjudication order in accordance with law and on its own merits. This exercise must be completed within three months of the production of the authenticated copy of this order, along with proof of payment to the Tata Memorial Hospital.

8. The learned counsel for the Petitioner, on instructions, has stated that no issue of limitation will be raised by the Petitioner, given the peculiar circumstances of this case and the indulgence now extended to the Petitioner. Furthermore, the Petitioner has agreed to co-operate with the 3rd Respondent by attending the hearing on the notified date without seeking any unnecessary adjournment, ensuring that the adjudication proceedings are completed within the timeline we have indicated.

9. We clarify that all contentions of all parties on the merits of the adjudication proceedings are left open to be decided by the 3rd Respondent in the first instance.

10. The Rule is made absolute in the above terms. The Petitioner will have the benefit of this order only if the Petitioner, within two weeks from the uploading of this order, pays the amount of Rs. 2,00,000/- (Rupees Two Lakhs only) as undertaken to the Tata Memorial Hospital and produces proof of such payment before the 3rd Respondent along with the authenticated copy of this order.

(Advait M. Sethna, J)

(M. S. Sonak, J.)