

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.4982 OF 2024

Rustomjee Realty Private Limited

.. Petitioner

Versus

Union of India

.. Respondent

**Mr.Gopal Mundhra i/b M/s.Economic Laws Practice, Advocate for the
Petitioner.**

**Mr.M.P.Sharma a/w Ms.Mamta Omle, Advocate for Respondent Nos.3
and 4.**

**CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.**
DATE: APRIL 1, 2025

P. C.

1. Mentioned out of turn.
2. **Rule.** Rule is made returnable forthwith at the request of and with the consent of the learned Counsel for the parties and heard finally.
3. The Petition challenges the Order-in-Appeal No.SK/84/Appeals-II/ME/2024-25 dated 30th June 2024 by which the Petitioner's Appeal before Respondent No. 2 was dismissed, *inter alia*, on the ground that the

authorized signatory of the Petitioner did not sign the same. Respondent No.2 held that since no proof, such as a board resolution was produced, it could not accept the Appeal instituted by the authorized signatory.

4. In almost identical circumstances, this Court has entertained and allowed several Petitions where appeals were rejected by the same Officer because they were not instituted or signed by the authorized signatories.

5. In this regard, we have perused Orders of this Court dated 22nd August, 2024 in Writ Petition (L) No. 26123 of 2024, 13th August 2024 in Writ Petition No. 11298 of 2024 and 24th October 2024 in Writ Petition (L) No.32758 of 2024.

6. The facts in the present case are also not significantly different. Proper material has been produced to show that the signatory on the Appeal memo was indeed authorized to sign the same. Similarly, if Respondent No.2 had any objections on entertaining any evidence or submissions, he should have put the Petitioner to notice. Denial of such opportunity violates the principles of natural justice and fair play.

7. Accordingly, we set aside the impugned Order dated 30th June 2024 and restore the Petitioner's Appeal to file of Respondent No.2 for fresh consideration on its merits and as per law.

8. All contentions of the parties are kept open. Respondent No.2 shall grant an opportunity of hearing to all the parties and pass a reasoned order.
9. Respondent No.2 is requested to dispose of the Appeal as expeditiously as possible and in any event, on or before 30th June, 2025. This order should be communicated to the parties no sooner than it is made.
10. Rule is made absolute in the above terms. However, there shall be no order as to costs.
11. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]