

Amol

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2040 OF 2025**

Prakash Chawla ...Petitioner

Versus

The Union of India & Ors ...Respondents

Mr. Prakash Shah, Senior Advocate, with Mr. Jas Sanghavi & Mr. Vikas Poojary, i/b, PDS Legal, for the Petitioner.

Mr. Jitendra B Mishra, with Mr. Rupesh D Dubey & Ms. Sangeeta Yadav, for the Respondents.

**CORAM M.S. Sonak &
Advait M. Sethna, JJ.
DATED: 02 December 2025**

PC:-

1. Heard learned Counsel for the parties.
2. Considering the orders made by us disposing of Writ Petition No. 2207 of 2024, Writ Petition (L) No. 10692 of 2025, Writ Petition No. 13596 of 2025 and Writ Petition no. 14000 of 2025 in respect of some of the co-noticees, we dispose of this Petition by granting the Petitioner liberty to challenge the impugned order in original dated 6 March 2025 by raising all contentions, including the contention of delayed adjudication now raised in this Petition.
3. Further, we permit the Petitioner to apply for deferment of hearing before the Appellate Authority, given the Hon'ble

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Supreme Court's order dated 2 May 2025 in Special Leave Petition (C) No. 5392 of 2025 (**Union of India & Ors. Vs. GMR Airport Ltd.**). If such application is made, we have no doubt that the Appellate Authority, after taking cognizance of the Hon'ble Supreme Court's order, will consider the same in accordance with law and on its own merits.

4. We record that Mr. Shah did argue that this was a case where none of the Petitioner's contentions, as raised in the reply to the show cause notice has been considered and further, penalty has been imposed based on a provision which was not even in existence at the time of alleged contravention.

5. All such contentions can as well be raised before the Appellate Authority which would be in the best position to examine the same. Whether the submission is correct or not would require examination. The contention about non-consideration of the Petitioner's reply, at least prima facie, cannot be accepted. Whether such consideration is correct or not is a matter which is best looked into by the Appellate Authority.

6. As noted earlier, in matters concerning the co-noticees and whether the same or similar impugned orders were challenged, we have relegated the Petitioners to avail of the alternate statutory remedies. Entertaining truncated challenges will also not be proper because all such challenges can be consolidated and heard by the Appellate Authority.

7. For the above reasons, we dispose of this Petition by relegating the Petitioner to avail of the alternate remedy. All

contentions of all parties including the Petitioner's contentions as raised in this Petition are kept expressly open.

8. The Petition is disposed of with liberty in the above terms. No costs.

(Advait M. Sethna, J)

(M.S. Sonak, J)