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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 9123 OF 2025
WITH
WRIT PETITION NO.17230 OF 2024

HDFC Sales Private Limited

...Applicant

In the matter of

Vinod Kachave

...Petitioner

V/s.

The Presiding Officer, Internal
Complaint Committee ICC and Others

... Respondents

Mr. Girish Godbole, Senior Advocate with Mr.
Ravitej C. Ms. Radhika Kulkarni, Kunal Parekh i/b
Khaitan and Co., for Applicant.

Mr. Ashraf Kazi with Navinya Gadia, Prajyot
Shinde, Ashish Savend i/b Sana Raees Khas with
Vipul D., for Respondents.

CORAM : AMIT BORKAR, J.

DATED : MARCH 26, 2026

P.C.:

INTERIM APPLICATION NO. 9123 OF 2025

1. The applicant has approached this Court with a limited grievance which is about the manner in which that decision

came to be passed. According to the applicant, the order of the Co-ordinate Bench was passed without giving a fair chance of hearing. The applicant states that the matter was earlier adjourned to a date in the month of June. Therefore, the applicant and his Advocate were proceeding on a understanding that the case would be taken up only on that adjourned date. However, what is alleged is that before that expected date, the Advocate for the original petitioner mentioned the matter and obtained an earlier listing. Because of this, no proper notice of the actual date of hearing was available to the present applicant. As a result, the Advocate for the applicant could not remain present when the matter was decided.

2. The nature of the relief sought by the applicant has to be properly understood. The applicant is asking for recall of the order. However, when the ground raised is that there was no proper opportunity of hearing, such a ground is generally treated as falling within the scope of a procedural review. It is not a case where the applicant is arguing that the earlier judgment is wrong on facts or law. Rather, the contention is that the process itself was not fair. Law provides a specific remedy in such situations. A review application can be filed before the same Court and preferably before the same learned Judge who passed the original order. This ensures consistency because the Judge who passed the order is in the best position to examine whether any procedural lapse has occurred.

3. In view of this position, it appears proper that instead of keeping the present application in its current form, the applicant should be directed to convert it into a review application. Therefore the applicant shall convert the present Interim Application into a Review Application within one week.

4. After the application is converted into a review application, it shall be placed before the same learned Judge who had earlier decided Writ Petition No. 17230 of 2024.

(AMIT BORKAR, J.)