

Date:- 23.8.96. [19]

Nome for the applicants. Mr. R. K. Shetty appears for the respondents. Counsel for the respondents draws our attention to the order of the Supreme Court dtd. 23.9.94 stating that "There shall be stay of contempt proceedings said to have been taken against the Respondents in the original application" In the circumstance he states that O. A and M. P. will not survive.

However, in the absence of the learned counsel for the applicant the matter is adjourned to 28.10.96.

M. R. Kolhatkar
(M. R. Kolhatkar)
M (A)

B. S. Hegde
(B. S. Hegde)
M (J)

23/8/96.

3/9/96.

10/9/96.

On 28/10/96
to
on 11/11/96
2
5/11/96.

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION No. 380/1996.

Date of Decision: 28.10.1996.

Chotelal Babulal Kanoji & 44
Others.

Petitioner/s

None.

Advocate for the
Petitioner/s

V/s.

Union Of India & Others.

Respondent/s

Shri R. K. Shetty,


Advocate for the
Respondent/s

CORAM:

Hon'ble Shri B. S. HEGDE, MEMBER (J).

Hon'ble Shri M. R. KOLHATKAR, MEMBER (A).

- (1) To be referred to the Reporter or not ? ☒
- (2) Whether it needs to be circulated to other Benches of the Tribunal ? ☒


(B. S. HEGDE)
MEMBER (J).

os*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING No.6
PRESCOT ROAD, MUMBAI 400001

REVIEW PETITION No. 115 OF 1996
IN
ORIGINAL APPLICATION No. 380 OF 1996

DATED : 12TH DAY OF DECEMBER, 1996

CORAM : Hon'ble Shri B.S.Hegde, Member(J)
Hon'ble Shri M.R.Kolhatkar, Member(A)

Chotalal Babulal Kanojia & 44 ors. ..Applicants

V/s.

Union of India & 2 ors. ..Respondents

ORDER (By Circulation)

=====

[Per: B.S. Hegde, Member (J)]

The applicants have filed this application seeking review of the order dated 28th October, 1996. We have perused the Review Petition and we are of the opinion that the same can be disposed of by circulation.

2. The O.A. was disposed mainly on the ground that the Apex Court has stayed the contempt proceedings initiated against the respondents in the O.A. Counsel for the applicant did not appear on both the occasions and on the basis of the submissions made by the Learned Counsel for respondents that, in view of the Apex Court order dated 23.9.94 both the O.A. and M.P. do not survive and the Learned Counsel further submitted that an agreement has already been entered with M/s. Mangal Enterprises on 20.4.1996 with the respondents and hence the application becomes infructuous. Accordingly O.A. was dismissed as infructuous.



3. On a perusal of the Review Petition, we do not find any new facts brought to our notice. The reasons given in the Review Petition explaining the inability of the Learned Counsel to be in the Tribunal by itself does not change the substance of the petition. The O.A. was not dismissed in default of appearance of the counsel for the applicant, but because of the subsequent events that have taken place in the matter. In the result, we do not see any merit in the Review Petition and the same is dismissed by circulation.

M.R. Kolhatkar

(M.R. Kolhatkar)

Member (A)

B.S. Hegde

(B.S. Hegde)

Member (J)

trk

ddt 12/12/96
Order/Judgement despatched
to Applicant/Respondent(s)
on 23/12/96
(8)
26/12/96