

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

WRIT PETITION NO. 2069 OF 2015

WITH

CHAMBER SUMMONS (L) NO. 399 OF 2016

IN

WRIT PETITION NO. 2069 OF 2015

Sales Tax Tribunal Bar Association
and another

... Petitioners

Vs.

The State of Maharashtra and others

... Respondents

.....
Mr. R.V. Desai, Senior Advocate a/w Mr. P.C. Joshi, Mr. P.V. Surte,
Ms. N.R. Badheka, Mr. Vinayak Patkar, Mr. C.B. Thakar, Mr.
Deepak Bapat and Mr. Ratan Samal i/b. Ms. Manjiri S. Parasnis
for the Petitioners.

Mr. V.A. Sonpal, Special Counsel a/w Ms. Geeta Shastri,
Additional Government Pleader for the Respondents-State.

.....

**CORAM : S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.**

DATE : DECEMBER 20, 2016.

P.C. :

1. Mr. Sonpal, on taking specific instructions, has made two statements. The 1st one relates to the appointment of a Member (Judicial), which post had fallen vacant due to retirement of a Member (Judicial). One appointment was made, but the appointee refused to take up the job and assignment on account of his posting as a Member of the Maharashtra State Consumer Disputes Redressal Commission, a State level Commission under the Consumer Protection Act, 1986.

2. Now, with the consultation of the High Court, the file is processed and the names and willingness of Judicial Officers and in service of the State Judicial Service were sought and information was called for. Now, the State has received from this Court the willingness of two Judicial Officers, who were in the State Judicial Service till recently. The State Government will take a decision as expeditiously as possible and before the Court reopens in January, 2017.

3. We accept this statement made by Mr. Sonpal as an undertaking to this Court.

4. Further, it is stated that a compliance with the earlier direction in paragraph 3 of the order of this Court dated 6th December 2016 will also be made and the report of that compliance will be placed on file after the Court reopens in January, 2017. Even this statement made on instructions is accepted as an undertaking to this Court. Mr. Sonpal states that further steps have been taken and the data is being verified finally before uploading it on the website of the General Administration Department of the Government of Maharashtra. Even these statements are accepted as an undertaking to this Court.

5. We have heard Mr. Desai, learned Senior Counsel appearing on behalf of the petitioners/applicants in the Chamber Summons and Mr. Sonpal in opposition.

6. We have perused the Chamber Summons, the affidavit-in-support of the Chamber Summons and the Schedule of the proposed amendments. After perusal thereof, we are of the opinion that to avoid multiplicity of proceedings and to render complete justice, leave to amend the Writ Petition deserves to be granted and is accordingly granted. The amendment be carried out within a period of two weeks from the date of receipt of the copy of this order. The amended memo will be served on the respondents within two weeks thereafter. Affidavit-in-reply and rejoinder may be filed within a period of four weeks from the date of receipt of the amended memo.

7. In order to ensure that there is compliance with the statements that are being recorded and further granting an opportunity to the respondents to respond to the amended memo/petition, we post this matter on 31st January 2017.

(B. P. COLABAWALLA, J.)

(S. C. DHARMADHIKARI, J.)