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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 10716 OF 2019**

The Brihan Maharashtra Sugar ... Petitioner  
Syndicate Ltd. through  
Director Mr. Ashutosh D. Agashe

Vs.

Union of India through ... Respondents  
Secretary for Ministry of  
Housing and Urban Affairs and Others

**WITH**

**WRIT PETITION NO. 10715 OF 2019**

Baumgarten Wallia Pvt. Ltd. ... Petitioner  
through Director  
Mr. Eknath Hosbett

Vs.

Union of India through ... Respondents  
Secretary for Ministry of  
Housing and Urban Affairs and Others

Mr. Shailendra S. Kanetkar for the Petitioner.

Mr. K. N. Kandekar for the Respondents.

**CORAM : GAURI GODSE, J.**

**DATE : 27<sup>th</sup> FEBRUARY 2024**

**P.C.**

1. Learned counsel for the petitioner states that though delay is condoned by the Estate Officer permitting respondent no. 3 to file a statement in terms of order dated 10<sup>th</sup> July 2002, respondent no. 3 has not filed any such statement in terms of the said order. He therefore submits that the impugned order condoning delay and extension of time is passed without even taking into consideration the fact that even when the application for condonation of delay was filed, respondent no. 3 has not complied with the order dated 10<sup>th</sup> July 2002. He therefore submits that without there being any statement on record, time could not have been extended, by condoning delay.

2. Learned counsel for respondent no. 3 submits that though the the application was filed for delay condonation, but in fact it was for review of order dated 10<sup>th</sup> July 2002. He submits that there is no separate statement required and pursuant to the direction issued by the Estate Officer, respondent no. 3 was only reviewing the matter pursuant to the guidelines and hence the statements contained in the application dated 14<sup>th</sup> October 2016 itself amounts to compliance of the order dated 10<sup>th</sup> July 2002.

3. Learned counsel for the petitioner relies upon the decision of the Hon'ble Supreme Court in the case of *Suhas H. Pophale vs. Oriental Insurance Company Limited and its Estate Officer*<sup>1</sup> and submits that in view of the principles laid down in the said decision, the Estate Officer shall not have jurisdiction to deal with the case.

4. By order dated 17<sup>th</sup> January 2024, it was directed that the petitions will be disposed of finally at admission stage. However, due to paucity of time it is not possible to decide the petitions at admission stage today.

5. List the petition for final disposal on 20<sup>th</sup> March 2024.

6. In the meantime, learned counsel for respondent no. 3 to take written instructions whether there is any separate statement on behalf of respondent no. 3 to be filed in terms of order dated 10<sup>th</sup> July 2002.

**[GAURI GODSE, J.]**

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<sup>1</sup> (2014) 4 SCC 657