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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION**

WRIT PETITION NO. 14644 OF 2022

Roppen Transportation Services P.Ltd.
And Anr.

..... Petitioners

Vs.

State of Maharashtra & Ors.

..... Respondents

Mr.Venkatesh Dhond, Sr.Advocate a/w Mr.Nikhil Sakhardande,
Sr.Advocate and Mr.Aman V. Dutta, Mr.Ashish Venugopal and
Mr.Abhishek Adke i/b M/s. Chambers of Aman Vijay Dutta for the
Petitioners

Mr.K.S.Thorat, A.G.P. for the State

**CORAM: S.V.GANGAPURWALA &
ARIF S. DOCTOR, JJ.**

DATED : NOVEMBER 29, 2022

P.C.

1 The Petitioners assail the order dated 20.10.2022 issued by
Respondent No.6 declaring Petitioner No.1's business as illegal.

2 The Petitioner conducts the business operation of aggregation
of passenger transport service by two wheeler. The Petitioner had
applied for grant of license for operation as an aggregator under the
Central Motor Vehicle Aggregators Guidelines 2020. The said
application is rejected.

3 Amongst other submissions, one of the submissions of the learned Senior Advocate for the Petitioners is that the Petitioner was apprised that the application filed by the Petitioner is not in proper form and that there are compliances to be made. The Petitioner on 29.03.2022, made necessary compliances and filed fresh applications giving all the details and also annexed Demand Draft of Rs.5,00,000/-. Demand Draft of Rs.5,00,000/- is accepted.

4 The learned A.G.P. on instructions of the officers submits that the office of the Respondents is not in receipt of the application from the Petitioners allegedly dated 29.03.2022.

5 The Petitioner has filed an affidavit to submit that the application making necessary compliance and clearing the deficiencies is filed on 29.03.2022 and that the Demand Draft has also been encashed. There is no dispute that Demand Draft is encashed by the Respondents. However, the dispute is about the application and the documents dated 29.03.2022.

6 The order impugned does not refer to the application dated 29.03.2022 and the annexures filed along with the said application.

7 It would lead us no where to consider affidavit against affidavit and / or word against word.

8 It is a fact that Demand Draft of Rs.5,00,000/- was submitted on 29.03.2022 and same was encashed. The only dispute is about the application and the documents. The Petitioner shall once again submit the application dated 29.03.2022 with the office of Respondent No.6 by 01.12.2022.

9 The Respondent No.6 shall reconsider the entire issue and take a decision afresh, of course, after considering the application and the documents filed by the Petitioner and after hearing the Petitioner.

10 In view of the fact that the matter is relegated before Respondent No.6, the impugned order is set aside.

11 It is made clear that we have not opined on the merits of the matter. The authority shall decide the application of the Petitioner on its own merits in accordance with law.

12 Writ Petition is disposed of. No costs.

(ARIF S. DOCTOR,J.)

(S.V. GANGAPURWALA, J.)