

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9601 OF 2013**

Manohar Hundraj Parwani & Ors. ...Petitioners
Versus
High Explosive Materials & Research Laboratory, ...Respondents
Defence Research & Development Organisation
& Ors.

Mr. Hemant P. Ghadigaonkar, for the Petitioners.
Mr. Y.R. Mishra, & Ms. J.N. Pandhi, for Respondent Nos. 1 to 5.
Mr. V.S. Gokhale, AGP, for Respondent Nos. 6 to 8.

CORAM: A. S. OKA & G.S. PATEL, JJ.
DATED: 22nd December 2015

PC:-

1. The learned counsel appearing for the Respondent Nos. 1 to 5 states that General Officer Commanding, HQ, Sub Area Pune is the Competent Officer to grant written approval as provided under Section 7 of the Works of Defence Act, 1903.
2. The learned counsel appearing for the Petitioners states that accordingly the Petitioners will make an application for grant of written approval/NOC. The learned counsel appearing for the Petitioners states that at this stage, the Petitioners are not pressing prayers (a), (b) and (d) and the Petition is confined only to the

prayer clause (c). Hence, we dispose of the Petition by passing following order:

- (a) It will be open for the Petitioners to make an application to the General Officer Commanding, HQ, Sub Area Pune for grant of written approval/NOC in accordance with Section 7 of the Works of Defence Act, 1903;
- (b) If such application is made, the same shall be decided as expeditiously as possible and in any event, within a period of three months from the date on which the said application is filed;
- (c) All contentions on merits are kept open.
- (d) We make it clear that it will also be open for the Petitioners to file a fresh Petition seeking relief in terms of prayer clauses (a), (b) and (d), if occasion for filing such Petition arises.

(G. S. PATEL, J.)

(A. S. OKA, J.)