

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11426 OF 2015**

Suresh Ramchandra Palande ...Petitioner
Versus
The Government of Maharashtra & Ors. ...Respondents

**WITH
WRIT PETITION NO. 11152 OF 2015
WITH
WRIT PETITION NO. 11165 OF 2015
WITH
WRIT PETITION NO. 11555 OF 2015
WITH
WRIT PETITION NO. 11721 OF 2015**

Mr. P.K. Dhakephalkar, Senior Advocate, with Mr. S.R. Nargolkar,
i/b Deven Jagdeo, for the Petitioner in WP/11426/2015.
Mrs. Shakuntala Santosh Wadekar, for the Petitioner in
WP/11152/2015 & 11165/2015.
Mr. Tejas D. Deshmukh, i/b Mr. Samrat K. Shinde, for the
Petitioner in WP/11555/2015.
Mr. R.S. Apte, Senior Advocate, i/b Mr. Sarang Satish Aradhye, for
the Petitioner in WP/11721/2015.
Mr. A.B. Vagyani, GP, with Mrs. M.P. Thakur, AGP, for
Respondent No. 1 in all the Petitions.
Mr. D.D. Shinde, for Respondent No. 2 (Krishna Valley
Development Corporation) in all Petitions.
Mr. Abhijit Purushottam Kulkarni, for Respondent No. 5 (Pune
Municipal Corporation).
Mr. Mahadeo Anantrao Chaudhari, with Ms. Kanchan Tajani
Pawar, for Respondent No. 11 in all the Petitions.
Ms. Swati Sawant, with Mr. Rajesh Wanzare, i/b S.K. Legal
Associates for Respondent No. 12.

Mr. P.K. Dhakephalkar, Senior Advocate with Mr. H.N. Vakil & Mr. Rushil Mathu, i/b M/s. Mulla & Mulla & CBC, for Respondent No. 13 in WP/11152/2015.

Mr. N.V. Walawalkar, Senior Advocate, with Mr. Swapnil Mhatre, for Respondent No. 13 in WP/11426/2015.

CORAM: A. S. OKA & G.S. PATEL, JJ.

DATED: 3rd December 2015

PC:-

1. For the reasons recorded separately in these Petitions by an Oral Judgment today, we pass the following order:

- (a) The impugned order dated 26th October 2015 in Case Nos. 5 and 6 of 2015 passed by the Regulatory Authority is quashed and set aside and both the cases are remanded for fresh adjudication of the Regulatory Authority in terms of this Judgment and Order;
- (b) In view of the statement made by the learned counsel for the Regulatory authority, we direct the parties to the Petition to remain present before the Regulatory authority on 14th December 2015 at 11.00 a.m.;
- (c) We make it clear that all the parties which were before the Regulatory Authority when the impugned order was passed as well as the Petitioners in these Petitions / the parties who sought intervention and who sought review of the order shall be given an

opportunity of being heard by the Regulatory Authority;

- (d) We accept the assurance made by the learned counsel appearing for the Regulatory Authority that an endeavour shall be made to decide the cases within a period of eight to ten days from 14th December 2015.;
- (e) All contentions of the parties based on the merits of the controversy, are expressly kept open;
- (f) It is obvious that the Regulatory Authority will pass a fresh order on its own merits uninfluenced by the findings recorded in the impugned order;
- (g) Rule issued in Writ Petition Nos. 11426/15 Writ Petition No. 11152/15, Writ Petition No. 11165/15 and Petition No. 11555/15, except Writ Petition No. 11726 of 2015 is hereby made partly absolute on the above terms;
- (h) Writ Petition No. 11721 of 2015 stands disposed of as the same does not survive;
- (i) The Regulatory Authority and all concerned to act on an authenticated copy of the operative part of this order.

(G. S. PATEL, J.)

(A. S. OKA, J.)

