

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

WRIT PETITION NO.545 OF 2007

Manjeet Hotels Pvt. Ltd., Mumbai & Anr. Petitioners

V/s.

Union of India & Ors. Respondents

Mr. Nilesh Tated a/w. Mr. Nishit Doshi, i/by
M/s. DSK Legal, for the Petitioners.

Mr. Pradeep S. Jetly a/w. Mr. Parag Vyas for
Respondent Nos.1 and 4.

Ms. Kavita Anchan a/w. Mr. Kunal Chheda, i/by
M/s. M.V. Kini & Co., for Respondent No.2.

Mr. Rajesh Poojari, i/by M/s. Mulla & Mulla &
C.B.C., for Respondent No.3.

CORAM : S.C. DHARMADHIKARI &
DR. SHALINI PHANSALKAR-JOSHI, J.J.

DATE : 2ND MAY, 2016.

P.C. :

1. We do not think that we should keep this Writ Petition pending in given fact that the Hon'ble Supreme Court of India, specifically, in its order referred to the case of the Petitioners and others, which are similarly situated. It is apparent that the point was decided by the High Court of Delhi. That was done on a transfer of all proceedings, including from Mumbai, to that High Court. In pursuance of the Delhi High Court's order, the Department has accepted the stand and proceeded in accordance with law.

2. If the Writ Petition of the Petitioners is not covered by that order, we do not see how the Petitioners' case can be viewed differently. The Petitioners have relied upon our order passed in the case of ***M/s. Pheroze Frarmroze & Co. Vs. The Union of India & Ors. in Writ Petition No.733 of 2007, decided on 26th February 2016***. When the Division Bench passed the order in the case of M/s. Pheroze Frarmoroze and Company Private Limited, it was not pointed out to the Division Bench, that the said Writ Petition stood transferred to the High Court of Delhi and, therefore, that High Court could have disposed it of in terms of its Judgment, yet this Court has passed an order in that Petition.

3. We do not see how we can extend benefit of the order of this Court passed in a Writ Petition, which was transferred for hearing to the High Court of Delhi by the Supreme Court of India. If the Petitioners' case is still distinct and not disposed of in terms of the order passed by the High Court of Delhi, then, it is for the Petitioners to take such steps and in terms of the Judgment of the High Court of Delhi. We do not think that the present Petition can be decided once the controversy is looked at from the above angle.

4. The Writ Petition is, therefore, disposed of.

[DR. SHALINI PHANSALKAR-JOSHI, J.] [S.C. DHARMADHIKARI, J.]