

pmw

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION NO.17 OF 2011
WITH NOTICE OF MOTION NO.107 OF 2012
WITH NOTICE OF MOTION NO.349 OF 2012
WITH NOTICE OF MOTION NO.337 OF 2014
WITH NOTICE OF MOTION NO.126 OF 2013
WITH NOTICE OF MOTION NO.354 OF 2014
WITH NOTICE OF MOTION NO.348 OF 2014**

Nicholas H. Almeida

... Petitioner

Versus

State of Maharashtra and Ors.

... Respondents

Mr. Jayesh Mistry i/by RMG Law Associates for the Petitioner.

Mr. J.S. Saluja, AGP for the Respondent No.1- State.

Mr. Abhijeet Deshmukh i/by M/s. Little & Co. for the Respondent No.2.

Mr. Nitin P. Deshpande for the Respondent No.3.

Dr. Sharma a/w Mrs. Madhubala Kajle for the Respondent No.4.

Mr. C.M. Lokesh for the Respondent No.5.

Dr. Sadhana Mahashabde for the Respondent Nos.6, 9, 10, 12 and 13.

Mr. J.P. Sen, Senior Counsel a/w Dr. Birendra Saraf and Ms. Nikita Mishra i/by Federal & Rashmikant for the Respondent No.8.

Mr. Anwar Landge i/by Ms. Swati Sawant for the Respondent No.11.

Mr. Nikhil Sakhardande a/w Mr. Ram Kakkar i/by AZB & Partners for the Applicant in NMW/337/2014.

**CORAM : A.S. OKA &
P. D. NAIK, JJ.**

DATE : 18th APRIL, 2016

PC.

1 The learned AGP has placed on record the Government circular dated 3rd February, 2015 which is taken on record and marked 'A-1' for identification. The said Government circular records the Government decision taken in the meeting of the Cabinet held on 20th January, 2015. It records that the policy contained in the Government Resolution dated 13th July, 2009 has been cancelled. It is stated in the circular dated 3rd February, 2016 that the policy in Government Resolution dated 13th July, 2009 will not apply to existing industries.

2 The only substantive prayer in this PIL is prayer clause (a) which is for setting aside the Government Resolution dated 13th July, 2009 to the extent to which it permits the exemption in favour of the Respondent No.2. The effect of the Government decision recorded in the circular dated 3rd February, 2015 ('A-1' for identification) is that the policy incorporated in the impugned Government Resolution dated 13th July, 2009 has been cancelled. Therefore, this Petition does not survive. All pending notices of motions do not survive and the same are disposed of. All contentions on merits are kept open.

(P. D. NAIK, J)

(A.S. OKA, J)