

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2120 OF 2015
WITH
CIVIL APPLICATION NO. 2902 OF 2016

M/s F.A. Construction .. Petitioner
V/s
State of Maharashtra & Ors. .. Respondents

Ms. Shilpa Kapil for the petitioner.
Mr. P.P. Kakade, AGP for respondent nos.1 to 7 and 10 to 15.
Ms. Kiran Bhagalia i/b Mrs. Chitra Phadke for respondent no.9.

**CORAM: DR. MANJULA CHELLUR, CJ. &
G.S. KULKARNI, J.**

DATE : 1st MARCH 2017

P.C.:

The petitioner is before this Court seeking the following reliefs:

- a) *Call for Record & Proceeding of the case, grant rule and allow this petition.*
- b) *Issue appropriate writ, order or direction to all Respondents, especially Respondent Nos. 1 to 9 for processing/approving proposal for budgetary provisions to finance/fund irrigation dam projects mentioned in Exhibit-A and to release the said finance/fund for those irrigation dam projects mentioned in Exhibit-A in the interest of justice.*

- c) *Issue appropriate writ, order or direction to Respondents, especially Respondent Nos. 1 to 9 to arrange periodical payments to Petitioner as per actual work done by preparing and approving requisite Running Account Bills as per the prescribed procedure for those irrigation dam projects mentioned Exhibit-A.*
- d) *Issue appropriate writ, order or direction to Respondents to obtain all statutory approvals/clearances such as forest clearance, environmental clearance, land acquisition proceedings, rehabilitation proceedings, Central Design Organization consultancy proceedings etc. expeditiously as per the procedure and for that purpose arrange and release funds at the relevant time in time-bound manner as demanded by the concerned Authorities for those irrigation projects mentioned in Exhibit-A.*
- e) *Issue appropriate writ, order or direction to Respondents to allow Petitioner to carry out work smoothly as per given work orders at those irrigation dam projects mentioned in Exhibit-A and for that purpose take requisite necessary actions such as providing police protection etc.*
- f) *During the pendency and final disposal of the present writ petition, direct all Respondents, especially Respondent Nos. 1 to 9 for processing/approving proposal for budgetary provisions to finance/fund irrigation dam projects mentioned in Exhibit-A and to release the said finance/fund for those irrigation dam projects mentioned in Exhibit-A in the interest of justice.*

- g) *During the pendency and final disposal of the present writ petition, direct to Respondents, especially Respondent Nos. 1 to 9 to arrange periodical payments to Petitioner as per actual work done by preparing and approving requisite Running Account Bills as per the prescribed procedure for those irrigation dam projects mentioned Exhibit-A.*
- h) *During the pendency and final disposal of the present writ petition, direct to Respondents to obtain all statutory approvals/clearances such as forest clearance, environmental clearance, land acquisition proceedings, rehabilitation proceedings, Central Design Organization consultancy proceedings etc. expeditiously as per the procedure and for that purpose arrange and release funds at the relevant time in time-bound manner as demanded by the concerned Authorities for those irrigation projects mentioned in Exhibit-A.*
- i) *During the pendency and final disposal of the present writ petition, direct to Respondents to allow Petitioner to carry out work smoothly as per given work orders at those irrigation dam projects mentioned in Exhibit-A and for that purpose take requisite necessary actions such as providing police protection etc.*

2. It is brought to our notice that a public interest litigation came to be filed pertaining to the project, the tender of which came to be given to the petitioner. Subsequently the tenders were cancelled and the same became subject matter of several writ

petitions which are pending consideration. Such being the situation, we fail to understand how this writ petition can be kept pending unless the cancellation of tenders is set aside. In case the petitioner is fortunate enough to succeed in other matters challenging cancellation of tenders, the very prayers could be sought in those petitions. Therefore, we are of the opinion that there is no purpose keeping the present writ petition pending. Accordingly the writ petition is disposed of.

3. In view of disposal of the writ petition, the civil application does not survive and stands disposed of.

(G.S. KULKARNI, J.)

CHIEF JUSTICE