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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2928 OF 2016
IN
WRIT PETITION NO.10778 OF 2015
WITH
CIVIL APPLICATION NO.890 OF 2016

M/s. Shri Warana Minerals (India) Pvt. Ltd.	... Applicant
<u>In the matter between</u>	
M/s. Shri Warana Minerals (India) Pvt. Ltd.	... Petitioners
Vs.	
State of Maharashtra and Ors.	... Respondents

WITH
CIVIL APPLICATION NO.32 OF 2016

Conservation Action Trust	
through Trustee	... Applicant
<u>In the matter between</u>	
M/s. Shri Warana Minerals (India) Pvt. Ltd.	... Petitioners
Vs.	
State of Maharashtra and Ors.	... Respondents

Mr. Shyam Kapadia a/w Ms. Swati Sawant and Ankita Khare i/by S.K. Legal Associates for the Applicant in CAW/2928/2016.

Mr. Mihir Desai, Senior Advocate a/w Ms. Lara Jesnani i/by M. Mulla Associates for the Applicant in CAW/32/2016.

Mr. N.R. Bubna for the Intervener in CAW/890/2016.

Mr. A.Y. Sakhare, Senior Advocate (Special Counsel) a/w Mr. Manish M. Pabale, AGP for the Respondent Nos.1 to 3.

**CORAM : A.S. OKA &
SMT. VIBHA KANKANWADI, JJ.**

DATE : 17th JULY, 2017

PC.

1 Heard the learned counsel appearing for the applicant. The prayer in this application is for modification of the ad-interim orders dated 8th January, 2016 and 15th January, 2016. By the order dated 8th January, 2016, a direction was issued to the present applicant not to carry out mining activities. The order dated 15th January, 2016 refers to ad-interim order passed in the main Writ Petition. It also records that the applicant/ writ petitioner is not the lessee who is holding the mining lease.

2 Thereafter, on 31st March, 2016 the main Writ Petition came up for admission before the First Court. Rule was issued in the Writ Petition. However, ad-interim relief which was originally granted was not continued and in fact no interim relief is granted. Hence, now there is no question of modification of ad-interim relief. Going by the order dated 31st March, 2016 passed by the First Court, as no interim relief has been granted, the applicant/writ petitioner was not permitted to carry on mining activities. Hence, today the applicant/ writ petitioner cannot carry on the mining activities.

3 Writ Petition has been admitted without granting any interim relief.

4 Therefore, prayer made in the present application does not survive with the passage of time. The application is disposed of. As per the order dated 19th January, 2017 only Civil Application No.2928 of 2016 has been assigned to this Bench by the Hon'ble the Chief Justice. Therefore, other applications shall be listed before the appropriate Bench.

(SMT. VIBHA KANKANWADI, J)

(A.S. OKA, J)