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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 10178/2006

RASHTRIYA MUKTI MORCHA Petitioner
Through: Mr. Ravinder Kumar
(petitioner-in-person)

versus

C.B.I. & ORS Respondent
Through: Mr. Kirtiman Singh, CGSC
with Mr. Waize Ali Noor, Adv. for
UOI.
Mr. Sanjeev Bhandari, Spl. Public
Prosecutor for CBI.
Mr. Digvijay Rai with Mr. Pulkit
Tyagi, Advs. for R-2.
Mr. Milanka Choudhury with Mr.
Yash Srivastava, Advs. for R-3.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **24.08.2017**

CM No.30893/2015

1. The writ petition originally filed had been adjourned *sine die* by order dated 20.07.20106 in view of the fact that the matter relating to the award of contract in question was pending consideration before the Supreme Court. The petitioner had filed CM No.11894/2015 for revival of the petition pursuant to the disposal of the matter before the Supreme Court. The respondent had taken an objection to the revival of the writ petition to the

effect that nothing survived for adjudication on merits in the writ petition in view of the order passed by the Supreme Court in ***Reliance Airport Developers Pvt. Ltd. vs. Airports Authority of India & Ors. (2006) 10 SCC 1***. Vide order dated 25.08.2015, the aforesaid CM for revival was disposed of. However, objection raised by the respondent was left open to be considered at the time of hearing of the writ petition. The matter was placed in the category of 'Regular Matters'.

2. Thereafter, the writ petitioner has filed this application praying for amendment of the writ petition. On a *prima facie* consideration of this application, it appears that the same is premised on a different cause of action than what was urged in the original writ petition. As such the application for amendment to the writ petition would not be maintainable.

3. At this stage, learned counsel for the petitioner prays for leave to withdraw this application for amendment with liberty to file a separate writ petition premised on the facts urged in the application.

This application is dismissed as withdrawn with leave as prayed for.

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In view of the judgment dated 07.11.2006 passed by the Supreme Court in ***Reliance Airport Developers Pvt. Ltd. vs. Airports Authority of India & Ors. (2006) 10 SCC 1*** as well as the

order passed in CM No.30893/2015, nothing survives for adjudication in this case, which is accordingly disposed of.

ACTING CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J

AUGUST 24, 2017/pmc

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