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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 364 OF 2018
IN
WRIT PETITION No. 7134 OF 2006

Bharat Sanchar Nigam Ltd. ... Applicant
Vs.
The Municipal Corporation, Nashik ... Respondent

WITH
CIVIL APPLICATION No. 368 OF 2018
IN
WRIT PETITION No. 2224 OF 2006

Bharat Sanchar Nigam Ltd. ... Applicant
Vs.
The Municipal Corporation,
Pimpri – Chinchwad Municipal Corporation... Respondent

Mrs. Neeta V. Masurkar, for the Applicant.

Mr. M. L. Patil, for Respondent No. 1 in CAW. 364/2018.

CORAM : A. S. OKA, &
P. N. DESHMUKH, JJ.

DATE : FEBRUARY 21, 2018

PC :

1. Heard the learned counsel appearing for the Applicant and the learned counsel for the Municipal Corporation. The learned counsel for the Municipal Corporation objects to the proposed

amendment in both the petitions on the ground of delay, and on the ground that in the light of law laid down by the Apex Court in the case of *Ahmadabad Municipal Corporation Vs. GIL Infrastructure Ltd. & Ors.*, in *Civil Appeal Nos. 5360 – 5363 of 2013 dated 16th December, 2016*, the remedy of the Applicant is to prefer an appeal under Section 406 of the Maharashtra Municipal Corporation Act, 1949.

2. The writ petitions have already been admitted for final hearing. By the proposed amendment, the Applicant is seeking to add additional grounds of challenge. Hence, without prejudice to the objections raised by the Municipal Corporation, amendment deserves to be allowed. Accordingly, both the civil applications are allowed and disposed of in terms of prayer clause (b) subject to the condition that the objections raised by the Municipal Corporation will remain open, which will be considered at the time of final hearing of the writ petitions. Amendment to be carried out within 2 weeks from the date on which this order is uploaded.

3. Immediately thereafter, both the petitions shall be added to the appropriate weekly board under the caption “directions”.

Sd/-
[P. N. DESHMUKH, J.]

Sd/-
[A. S. OKA, J.]