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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.752 OF 2018 IN
WRIT PETITION NO.10245 OF 2015**

Kalyan Toll Highways Private Limited	... Applicant
<u>In the matter between</u>	
Kalyan Toll Highways Private Limited	... Petitioners
Vs.	
The State of Maharashtra and Ors.	... Respondents

**WITH
CIVIL APPLICATION NO.753 OF 2018 IN
WRIT PETITION NO.10368 OF 2015**

Kalyan Ketu Toll Private Limited	... Applicant
<u>In the matter between</u>	
Kalyan Ketu Toll Private Limited	... Petitioner
Vs.	
The State of Maharashtra and Ors.	... Respondents

**WITH
CIVIL APPLICATION NO.754 OF 2018 IN
WRIT PETITION NO.10613 OF 2015**

Kalyan Infratech Pvt. Ltd.	... Applicant
<u>In the matter between</u>	
Kalyan Infratech Pvt. Ltd.	... Petitioner
Vs.	
The State of Maharashtra and Ors.	... Respondents

**WITH
CIVIL APPLICATION NO.755 OF 2018 IN
WRIT PETITION NO.10807 OF 2015**

Ketu Sangam Infrastructure (I) Ltd.	... Applicant
<u>In the matter between</u>	
Kalyan Toll Highways Private Limited	... Petitioners

Vs.
The State of Maharashtra and Ors. ... Respondents

**CIVIL APPLICATION NO.756 OF 2018 IN
WRIT PETITION NO.11177 OF 2015**

Kalyan Toll Infrastructure Ltd. ... Applicant
In the matter between
Kalyan Toll Infrastructure Ltd. ... Petitioners
Vs.
The State of Maharashtra and Ors. ... Respondents

Mr. Kamlesh Ghumre I/by Ms. Sonali S. Jadhav for the Applicants.
Ms. Nisha Mehra, AGP for the Respondent Nos.1 to 5.

**CORAM : A.S. OKA &
M.S. SONAK, JJ.**

**DATE : 26th JUNE 2018
[In Chamber at 2.40 pm]**

P.C.

1 These Civil Applications have been made by the petitioners in disposed of writ petitions which were disposed of by a common order dated 13th December 2017. The said common order reads thus :-

- “1. Not on board. Taken on Board.
2. The learned counsel appearing for the petitioners has placed on record a print out the e-mail sent by the petitioners. It is taken on record and marked 'X1' for identification. In view of the contents of the e-mail, he seeks permission to withdraw these petitions. Accordingly, the petitions are disposed of as withdrawn.”

2 In these applications, there are two prayers made in the alternative which are prayers clauses (a) and (b) which read thus :-

“(a) This Hon'ble Court may be pleased to pass a fresh order for withdrawal in pursuance of the letter of the Petitioners dated 24.01.2018 (Exh. G herein);

(b) or in the alternative the letter dated 24.01.2018 be marked as an “Exhibit” in the Order dated 13.12.2017 so that the right of the Applicants to claim balance compensation can be reserved.”

3 In the light of the e-mail a print out of which was taken on record and marked 'X-1' for identification, writ petitions were withdrawn on 13th December 2017. Now, we cannot pass an order recording that writ petitions were withdrawn on the basis of instructions contained in the subsequent letter dated 24th January 2018. Therefore, prayer clause (a) cannot be granted. As far as prayer clause (b) is concerned, in substance, it seeks a relief in terms of prayer clause (a) in a different form. When the writ petitions were disposed of as withdrawn, the letter dated 24th January 2018 was not in existence. Therefore, even prayer clause (b) cannot be granted.

4 For the reasons recorded above, we reject the applications.

(M.S. SONAK, J)

(A.S. OKA, J)