

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 561 OF 2018
IN
PUBLIC INTEREST LITIGATION NO. 87 OF 2006

The Tata Power Company Limited .. Applicant

In the matter between

The Bombay Environmental Action Group and anr. ..Petitioners
Vs.

State of Maharashtra and ors. .. Respondents

Mr.Jai Chhabria I/b M.V.Jaykar & Co., for the Petitioners.
Mr.P.K.Dhakephalkar, Senior Advocate a/w Mr.Bhushan
Deshmukh, Mr.H.N. Vakil & Mr.Rushil Mathur I/b Mulla &
Mulla & CB & C, for Applicant.
Mr.G.R.Shastri, Addl. GP for State.
Mr.Rui Rodrigues a/w Mr.N.R.Prajapati & Mr.Upendra
Lokegaonkar, for Union of India – Respondent No.2.
Ms.Sharmila Deshmukh, for Respondent No.3.

**CORAM : NARESH H. PATIL, CHIEF JUSTICE &
M.S.KARNIK, J.**

DATE : 20th DECEMBER, 2018

P.C. :

. By the present Notice of Motion, the applicant prays
for following reliefs.

“(a) the Judgment and Order dated 17th September 2018 passed by this Hon'bel Court in Writ Petition (L) No. 3246 of 2004 (now PIL No.87 of 2006) be clarified and modified, if so necessary, so as to permit the Applicant to install a fresh enhanced capacity of 220kv transmission lines emanating from the Applicant's Versova Receiving Station more particularly shown in the plan annexed and marked Exhibit 'B' to the Affidavit in Support of the Notice of Motion.

(b) the Judgment and Order dated 17th September, 2018 passed by this Hon'ble Court in Writ Petition (L) No. 3246 of 2004 (now PIL No. 87 of 2006) be clarified and modified, if so necessary, so as to permit the Applicant to install about 21 kms of transmission line comprising of 68 transmission towers between MSETCL's existing 400 kV Receiving Station at Kharghar and the Applicant's 400 kV Receiving Station at Vikhroli for meeting additional load requirement of power to Mumbai Metropolitan area more particularly shown in the plan annexed and marked Exhibit 'H' to the Affidavit in Support of the Notice of Motion.”

2. We have perused the judgment passed by the Division Bench of this Court in PIL pronounced on 17/09/2018. Our attention is invited to the order passed by the Division

Bench of this Court (Coram : Naresh H. Patil, C.J. & G.S.Kulkarni, J.) dated 02/11/2018. We have perused the said order. We have also perused the order dated 21/11/2018 passed in Notice of Motion No. 446 of 2018. In the said Notices of Motion, we have already taken a view that the applicants therein may file a fresh Petition independently raising issue for consideration of this Court. It is also observed that the Notices of Motion are preferred in disposed of PIL.

3. Considering the grounds raised and the issues emerging out of the present Notice of Motion, we find it appropriate to observe that in case the applicant desires, it may file a fresh petition independently raising issues for consideration of this Court. As and when such a petition is filed, the same would be considered on its own merits.

4. All issues on merits are kept open. Notice of Motion stands disposed of accordingly.

(M.S.KARNIK, J.)

(CHIEF JUSTICE)