

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

901 CIVIL APPLICATION NO.8637 OF 2005 IN FA/1507/2004

**GODAWARI MARATHWADA IRRIGATION DEVELOPMENT CORPORATION
VERSUS
MADHUSUDAN KANHAIYALAL TOSHNIWAL AND OTHERS**

WITH

CIVIL APPLICATION NO.9531 OF 2005 IN FA/1528/2004

**GODAWARI MARATHWADA IRRIGATION DEVELOPMENT CORPORATION
VERSUS
RAHUVIR BHIMRAO WATEGAONKAR AND OTHERS**

WITH

CIVIL APPLICATION NO.13041 OF 2005 IN FA/1519/2004

**GODAWARI MARATHWADA IRRIGATION DEVELOPMENT CORPORATION
VERSUS
KISHANCHAND KANHAIYALAL TOSHNIWAL AND OTHERS**

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Advocate for Applicant : Mr.S.S. Wagh
Advocate for Respondent No.1 : Mr. M.M. Patil Beedkar
APP for Respondent-State: Mr. A.M. Phule

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CORAM : P.R. BORA, J.

DATED : 10th JANUARY, 2019

PER COURT:-

1. Heard Shri S.S. Wagh, learned counsel appearing for the applicant-corporation. The learned counsel submits that during pendency of the Reference Application, the GMIDC came to be established, and the rights and liabilities of *Upper Pen Ganga* project were brought under the domain of the said Corporation. The learned counsel submits that in such circumstances, the applicant-corporation needs to be added as a party respondents to the present appeals.

2. Shri M.M. Patil, Beedkar, learned counsel appearing for the appellants does not have any serious objection for adding applicant-corporation as a party respondent. The learned counsel, however, submits that the interest of the applicant-corporation seems to be well protected by the Government.

3. After having considered the submissions made and particularly, having considered the fact that, the rights and liabilities of the said project now stands transferred to the applicant-corporation, the applicant-corporation needs to be added as a party respondent. Hence, all three applications are allowed.

4. Necessary amendment be carried out forthwith. Shri Wagh, the learned counsel waives service of notice for applicant-corporation and also shows his readiness to make his submissions immediately.

**(P.R. BORA)
JUDGE**

Sudhir Rane