

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2082 OF 2018
IN
WRIT PETITION NO.1261 OF 2002

Century Rayon and another	Applicants
versus	
The State of Maharashtra and another	Respondents

Mr.Ranjeev Carvalho with Mr.Siddhant Dhavale i/by Manilal Kher
Ambalal & Co. for Applicants.
Mr.V.S.Gokhela, `B' panel AGP for Respondent nos.1 and 2 State.

CORAM : A.A.SAYED AND
PRAKASH D. NAIK, JJ.

DATE : 1st October 2019

PC :

1. The Civil Application is taken out to delete prayer clause (a)-(III) of the Petition, which reads as follows :

“(a)-(III) The Hon’ble Court be pleased to hold and declare that the Respondents are bound and liable to classify the Petitioner No.1 under category B of the Resolution GR/WTR-1088/745 dated 10.9.1991 (Exhibit B hereto) as amended by the corrigendum dated 5.7.1993 (Exhibit C hereto) and levy water charges on Petitioner No.1 thereunder and as per actual water consumption and as per the reduced quota as prayed for in prayer clause a(iv);”

2. It is the case of the Applicants-original Petitioners that the aforesaid prayer is also made in the Plaint in Special Civil Suit No.315 of 1993. The said prayer is reproduced in paragraph 4 of the Civil Application and reads as under :

“(dd) It be declared that the Plaintiff falls under category ‘B’ (prior to clarification. Category ‘A-4(b)’ or alternatively, under category ‘A-4’ (prior to clarification category ‘A-4(a)).”

3. In the facts and circumstances of the case, keeping all contentions of the Respondents open, we allow the Civil Application in terms of prayer clause (a). Amendment be carried out within a week from today.

4. The Civil Application to stand disposed of.

(PRAKASH D. NAIK, J.)

(A.A.SAYED, J.)

MST