

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.9 OF 2020
IN
REVIEW PETITION (STAMP) NO.13658 OF 2019
IN
WRIT PETITION NO.9300 OF 2012
WITH
WRIT PETITION NO.2472 OF 2016**

City and Industrial Development
Corporation of Maharashtra Ltd. ...Applicant

In the matter between

Moreshwar Vinayak Karve and Ors. ...Petitioners
Versus

The State of Maharashtra and Ors. ...Respondents

.....

Mr. G.S. Hegde for the Respondent No.7 in WP/2472/2016 and for the Petitioner in RPWST/13658/2019 and for the Applicant in CAO/9/2020.

Ms Shubhada Gokhale i/b. Ms Leena Patil for the Petitioner in WP/2472/2016 and for the Respondent Nos.1 to 6 in RPWST/13658/2019 and CAO/9/2020.

Mr. Dinesh Khaire for the Respondent No.2 in WP/2472/2016.

Ms P.N. Diwan, AGP for the Respondent No.1 in WP/2472/2016

Mr. C.D. Mali, AGP for the Respondent No.1 in RPWST/13658/2019.

**CORAM : A.A. SAYED &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 24th FEBRUARY, 2020.

P.C.:-

The Civil Application is taken out by the Review Petitioner-CIDCO for condonation of delay of 3 years 197 days in filing the Review Petition. It is not in dispute that prior to the filing of the present Review Petition, a Review Petition had been filed

challenging the very order which is challenged in the present Review Petition and was being pursued by the Konkan Irrigation Development Corporation. That Review Petition was however disposed of on the ground of locus of the Review Petitioner therein by an order dated 1/4/2019. Paragraphs 3 to 6 of the said order read thus:-

- “3. The matter was heard in the first session. In the second session the learned Advocate General appears and makes a statement that if a Review Petition is to be preferred, it is for CIDCO to take appropriate decision and the State need not file a Review Petition.
4. The learned Counsel Mr. Hegde on instructions submits that CIDCO has oral instructions to file a Review Petition.
5. On the last occasion the issue of locus of the present review petitioner was raised and the matter was adjourned for the Counsel appearing for the Review Petitioner to take appropriate instructions.
6. In view of the statement made as above by the learned Counsel Mr. Hegde and learned Advocate General and in the facts we are of the view that the Review Petition be disposed of for want of locus of the petitioner to file review petition. Review Petition stands disposed of.”

2. The aforesaid order was passed on 1/4/2019 and the present Review Petition has been filed on 30/04/2019 by the Review Petitioner-CIDCO. It cannot be disputed that the earlier Review Petitioner which challenged the very order that is challenged in the present Review Petition, was being pursued by

the Konkan Irrigation Development Corporation and the earlier Review Petition came to be disposed of on technical grounds.

3. In view of the pendency of the earlier Review Petition and the order dated 1/4/2019 and in the peculiar facts and circumstances of the case, we are of the view that sufficient cause has been made out for condoning the delay in filing the present Review Petition. The judgment relied upon by learned Counsel for the Respondent in ***Shanti Devi and Others vs. Kaushaliya Devi (2016) 16 SCC 565***, is distinguishable on facts.

4. In the circumstances, the Civil Application is allowed in terms of prayer clause (a).

5. List the Review Petition on 11/03/2020, high on board.

(ANUJA PRABHUDESSAI, J.)

(A.A. SAYED, J.)