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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (St.) No. 93425 of 2020
WITH
INTERIM APPLICATION (St.) No. 93625 of 2020

National Peroxide Limited ... Petitioner
Vs.
The Collector & District Magistrate, Thane
and Ors. ... Respondents

WITH
WRIT PETITION No. 777 of 2020

National Peroxide Limited ... Petitioner
Vs.
Maharashtra State Electricity
Transmission Company & Ors. ... Respondents

Mr. G. S. Godbole a/w Ms. Jai Kanade i/by Vijay Aggarwal a/w Ms. Shamim Shaikh, for the Petitioner.

Mr. A. T. Gade, for Respondent No. 2 in WPST. 93425/2020.

Mr. Abhijeet Joshi a/w Varsha Sawant, for Respondent Nos. 1 & 2 in WP. 777/2020.

Ms. Rupali Shinde a/w M. N. Pabale, AGP for the Respondent - State.

Ms. Deepa Chawan a/w R. Nahani a/w I Momi a/w N. Seth i/b Little & Co. , for Respondent No. 3 in WPST. 93425/2020. & for Respondent No. 4 in WP. 777/2020.

Mr. Kiran Nahlani a/w Ankush Kothari i/b Little & Co., for Respondent No. 5.

Dr. Hasit Dangi - Vice President - Orbit, and Mr. Uday Shetty - Dy. Gen. Manager, NPL - are present.

Mr. Vijay Aware, Executive Engineer, EHV Project, Dist. Kalyan in WP No.777/2020 present.

**CORAM : S. J. KATHAWALLA &
VINAY JOSHI, JJ.**

DATE : JANUARY 18, 2021

PC :

1. Heard learned Advocates for the parties and the following order is passed:

i. The Collector shall within a period of six weeks from the date of this order dispose of the application dated 25th April, 2018 (Exhibit 'A' to the Writ Petition) filed by Respondent No.2 under section 16(1) of the Indian Telegraph Act, 1885, strictly in accordance with law.

ii. The Petitioners shall file their additional reply, if any, by 22nd January, 2021 and forthwith forward a copy of the same to the Respondents.

iii. Respondent No.2 to file their response, if any, by 25th January, 2021.

iv. If the Order passed by the Collector is against the Petitioners, the same shall not be implemented for a period of one week from the date of its service on the Advocate for the Petitioners.

v. If the order of the Collector is challenged by any party, the parties shall be at liberty to raise all contentions including the contentions raised by the parties in the present Petition.

vi. The Collector shall not grant any adjournment to the parties unless absolutely necessary.

vii. The parties shall not seek any adjournments before the Collector unless absolutely necessary.

viii. The present Order is passed without going into the contentions / allegations of the parties, who have agreed that reasons in support of this order may not be given.

ix. Writ Petition (ST.) No. 93425 of 2020 is accordingly disposed of. In view of disposal of this writ petition, Interim Application (St.) No. 93625 of 2020 does not survive, and is accordingly disposed of.

2. As far as Writ Petition No.777 of 2020 is concerned, learned counsel for Respondent Nos. 1 and 2 seeks leave to withdraw Paragraph 2 of the letter dated 30th December, 2019, addressed by the Executive Engineer (Respondent No.2) to the Petitioner, which reads as under :-

“Also the Hon. Supreme Court of India has given judgment in Civil Appeal no 9063 of 2019 (Century Rayon Ltd vs. IVP Ltd) on dtd 27.11.2019 and given permission to complete the work as per approved scheme and route.”

The same is allowed to be withdrawn.

4. In view of the above and disposal of Writ Petition (ST) No.93425 of 2020, nothing survives in Writ Petition No.777 of 2020 and the same is disposed of as infructuous.

Digitally
signed by
Vinayak P.
Halemath

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Sd/-
[VINAY JOSHI, J.]

Sd/-
[S. J. KATHAWALLA, J.]