

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

WRIT PETITION NO.1216 OF 2021

The General Manager, Tata Mills (NTCL) & Anr.	.. Petitioners
Versus	
Government of Maharashtra & Ors.	.. Respondents

Mr.R.S. Apte, Senior Advocate a/w Mr.C.S. Joshi for the petitioners.
Mr.P.P. Kakade, GP a/w Mr.A.A. Alaspurkar, AGP for the respondent no.1.
Mr.N.V. Walawalkar, Senior Advocate a/w Mr.Santosh Parad i/by Ms.Aruna Savla for MCGM for the respondent nos.2 & 3.
Mr.A.C. Singh, ASG a/w Mr.Aditya Thakkar and Mr.D.P. Singh for the respondent no.4 – UOI.

**ALONG WITH
WRIT PETITION (ST.) NO.10888 OF 2021**

Municipal Corporation of Greater Mumbai through the Commissioner MCGM & Anr.	.. Petitioners
Versus	
Tata Mills (NTCL) & Ors.	.. Respondents

Mr.N.V. Walawalkar, Senior Advocate a/w Mr.Santosh Parad i/by Ms.Aruna Savla for MCGM and Mr.Parag Seth, Executive Engineer for the petitioners.
Mr.R.S. Apte, Senior Advocate a/w Mr.C.S. Joshi for the respondent nos.1 to 3.
Mr.Shruti D. Vyas 'B' Panel Counsel for the respondent no.4 -State.
Mr.A.C. Singh, ASG a/w Mr.Aditya Thakkar and Mr.D.P. Singh for the respondent no.5 – UOI.

**CORAM : R.D. DHANUKA
MADHAV J.JAMDAR, JJ.
DATE : 28th MAY 2021
(VACATION COURT - THROUGH VIDEO CONFERENCE)**

P.C.:-

. By consent of parties, both these petitions are heard finally at the admission stage.

2. Pursuant to the order dated 11th May 2021 passed by this Court, the Union of India is impleaded as party-respondent. On 13th May 2021, the learned Additional Solicitor General sought time to consider the letter dated 12th May 2021 addressed by the Municipal Corporation. The learned Additional Solicitor General made a statement before this Court on 27th May 2021 that the Central Government has already considered proposal dated 12th May 2021 made by the Municipal Corporation on 26th May 2021 and has accepted the said proposal.

3. Pursuant to the order dated 27th May 2021 passed by this Court, the Municipal Corporation has filed an additional affidavit stating that the NTC vide letter dated 26th May 2021 informed to the Additional Municipal Corporation (Project) that they have been communicated by NTC HO that the competent authority has conveyed permission for laying the pipeline 1600 mm dia, 3 mtrs width, 325 mtrs. in length (including working space) through Tata Mills premises on certain terms and conditions.

4. Mr.Walawalkar, learned counsel for the Municipal Corporation, on instructions, states that the authorised officers of the Municipal Corporation are already in the premises of the petitioner and are entering into an agreement on the line of permission granted by the

Central Government. He undertakes that agreement would be entered into during the course of the day. The Municipal Commissioner has already sanctioned the amount payable to the petitioner under the said agreement. Undertakings rendered by the learned senior counsel on behalf of the Municipal Corporation are accepted.

5. In view of the undertaking rendered by the Municipal Corporation, the Municipal Corporation would be permitted to commence the work on the plot of the petitioner in accordance with the agreement being executed during the course of the day.

6. We expect that after taking possession of the plot, the Municipal Corporation will start the work immediately in accordance with the agreement being entered into between the parties.

7. Both the writ petitions are disposed of in aforesaid terms. Liberty is granted to both the parties to apply in case of any difficulty.

MADHAV J.JAMDAR, J.

R.D. DHANUKA, J.