

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition No.1343 of 2020

GMR Airports Ltd., through authorized representative ...Petitioners
T.V. Ganesan and another

Versus

Mihan India Ltd., through Chairman and Managing ...Respondents
Director and another

With

Writ Petition No.1723 of 2020

GMR Airports Ltd., through authorized representative ...Petitioners
T.V. Ganesan and another

Versus

Mihan India Ltd., through Chairman and Managing ...Respondents
Director and another

Shri J.T. Gilda, Senior Advocate, assisted by Shri C.B. Dharmadhikari,
Advocate for the Petitioners in both the Writ Petitions

Shri R.M. Bhangde, Advocate for the Respondent No.1 in both the Writ
Petitions

Shri D.P. Thakare, AGP for the Respondent No.2 - State in both the Writ
Petitions

**CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.**

DATED : 2 MARCH 2021

P.C.:

The Writ Petition No.1343 of 2020 was filed for a direction to take necessary consequential steps in furtherance of the Letter of Award dated 7 March 2019. While this Petition is pending, the Letter of Award upon which the Petition was premised, was cancelled by the letter dated 19 March 2020 issued by the Mihan India Ltd., Nagpur. This communication dated 19 March 2020 is the subject matter of challenge in the Writ Petition No.1723 of 2020.

2. In view of this position, the Writ Petition No.1343 of 2020, does not survive, as the challenge to the cancellation of Award is now substantially challenged in Writ Petition No.1723 of 2020. The learned Counsel for the Petitioner states that certain additional points are taken in the Writ Petition No.1343 of 2020. For this reason, the Writ Petition which has become infructuous, need not to be kept pending. It is open to the Petitioners to urge these grounds by moving a necessary amendment in the Writ Petition No.1743 of 2020.

3. As regards the Writ Petition No.1723 of 2020, the impugned order dated 19 March 2020 is based on directives received from the Government of Maharashtra dated 16 March 2020. The impugned order gives no other reason except directives received from the Government of Maharashtra.

4. No reply is filed on behalf of the Government of Maharashtra in this Petition. The contention of the Respondent – Mihan India Ltd. that it is a Government Company, with 51 % shares holding with the State and therefore, it can defend the action of the Government of Maharashtra,

without State filing a reply, is not even accepted by the learned Assistant Government Pleader, who seeks time to file reply.

5. The reply be filed within three weeks.

6. In this Petition we note that by the order dated 29 May 2020, when notice was issued, interim relief was not granted, except that if any fresh tenders are issued, they would be the subject to the result of this Petition.

7. Stand over to the 23 March 2021.

8. In the above circumstances, the Writ Petition No.1343 of 2020 stands disposed of.

9 In view of the disposed of the Writ Petition No.1343 of 2020, the pending Civil Application (CAW) No.763 of 2020 is consequently disposed of.

[ANIL S. KILOR, J.]

[NITIN JAMDAR, J.]