

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

**WRIT PETITION NO.10499 OF 2022
WITH
INTERIM APPLICATION (ST.) NO.12152 OF 2022
IN
WRIT PETITION NO.10499 OF 2022**

Daimler AG, Germany & Anr.Petitioners

Vs.

The Union of India and Ors.Respondents

Mr. Prasad Paranjape i/b. Lumiere Law Partners for petitioners.
Mr. Karan Adik a/w. Mr. Ram Ochani for respondent nos.1 and 3.
Mrs. S.D. Vyas, B Panel Counsel for State.

**CORAM : K. R. SHRIRAM &
A. S. DOCTOR, JJ.**

DATED : 17th NOVEMBER 2022

PC. :

INTERIM APPLICATION (ST.) NO.12152 OF 2022

1 Having considered the application and the documents annexed thereto, interim application is allowed and accordingly disposed.

2 Leave to amend the cause title in the petition, Vakalatnama etc. is granted. Amendment to be carried out and copy of the amended petition to be served within one week from today.

WRIT PETITION NO.10499 OF 2022

3 Counsel state that the facts and circumstances in this case will be squarely covered by the order passed by this Court on 27th July 2022 in

group of writ petitions starting with Writ Petition No.8988 of 2022.

Paragraph 3 of the order dated 27th July 2022 reads as under :

3. In the circumstances, we dispose these Petitions with the directions as contained in paragraph Nos.27 and 28 of the Judgment in M/s. Mestra A. G. Switzerland (supra),, which read as under :

“27. However, in the peculiar facts and circumstances, viz. Pendency of this writ petition on the file of this Court for quite some time and that a Constitutional issue touching Article 286 of the Constitution is sought to be raised, we are inclined not to relegate the petitioner to the first appellate remedy but to give it opportunity to prefer an appeal before the Tribunal directly, if it so chooses, so that any infirmity in the impugned order can be brought to its notice, including the decision of this Court in the case of Mahyco Monsanto Biotech (India) Pvt. Ltd. (supra), for its correction. It is ordered accordingly.

28. We make it clear that such appeal may not be entertained unless the requisite pre-deposit is made by the petitioner for preferring an appeal before the Tribunal. There is a statement in the writ petition that the requisite pre-deposit for approaching the first appellate authority has already been made. If indeed that is so, it would constitute half of the pre-deposit for filing an appeal before the Tribunal. The balance pre-deposit together with an acknowledgment of the amount of pre-deposit that has been made, may be filed along with any appeal that the petitioner may wish to prefer before the Tribunal. In the event the petitioner prefers an appeal before the Tribunal within six weeks from today, as prayed by Mr. Sridharan, limitation shall not be a bar for entertaining and trying such appeal on merits.”

4 We dispose the petition with the following order :

(a) petitioner is granted six weeks from the date of uploading this order on the official website of the High Court to file an appeal before the concerned authority.

(b) liberty is given to petitioner to approach this Court for reviving the petition should the need arise after the Apex Court decides an appeal filed by M/s. Mestra

A.G. Switzerland V/s. The State of Maharashtra and Ors. in SLP (C) No.10336 of 2022 where, we are informed, even notice has been issued.

(A. S. DOCTOR, J.)

(K. R. SHRIRAM, J.)