

PMB

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION NO. 3300 of 2022
IN
WRIT PETITION (L) NO. 20131 OF 2022**

MEP Infrastructure Developers Ltd.
and anr.

.. Applicants/
Petitioners

vs.

MSRDC Sea Link Ltd. and ors.

.. Respondents

Mr. Venkatesh Dhond, Senior Advocate, Mr. Ashish Kamat,
Mr. Yashish Kamdar, Mr. Deepak Deshmukh, Ms. Swati
Singh, Mr. Rakesh Gupta i/b. Naik Naik & Company for
applicants/petitioners.

Dr. Milind Sathe, Senior Advocate a/w Mr. Prashant Chawan,
Mr. Arun Siwach, Ms. Priyanka Mitra, Mr. Karan Gandhi i/b.
Cyril Amarchand Mangaldas for respondent nos. 1 and 2.

Mr. Abhay Patki, Additional Government Pleader for State –
respondent no. 3.

**CORAM : DIPANKAR DATTA, CJ &
M. S. KARNIK, J.**

DATE : JULY 21, 2022

P.C. :

1. This is an application for amendment seeking to bring on record certain subsequent events after institution of the writ petition as well as after the last order dated July 1, 2022. In our view, such subsequent events afford the petitioners a fresh cause of action to move Court and have

the effect of rendering relief claimed in the writ petition infructuous. Instead of granting leave to amend, it would be better if the petitioners are granted liberty to file a fresh writ petition.

2. At this stage, Mr. Venkatesh Dhond, learned senior advocate, on instructions, prays for withdrawal of the writ petition. He also seeks liberty to file a fresh writ petition raising all points of facts and law.

3. Leave, as prayed for, is granted.

4. The writ petition is dismissed as withdrawn. There shall be no order as to costs.

5. Interim Application No. 3300 of 2022 does not survive and stands disposed of.

6. This order shall not preclude the petitioners to file a fresh writ petition on the fresh cause of action.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)