

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.2521 OF 2021

M/s P. M. Chafle & S. C. Surana (Joint Venture) Nagpur Thr. Its Authorized representative
Prashant Marotrao Chafle, Bajaj Nagpur, Nagpur.

-vs-

Vidarbha Irrigation Development Corporation. Thr. Its Executive Director, Civil Lines, Nagpur
and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri A. J. Gilda, Advocate for petitioner.
Shri P. B. Patil, Advocate for respondents.

CORAM : A. S. CHANDURKAR AND G. A. SANAP, JJ.

DATE : February 21, 2022

The challenge raised in this writ petition is to circular No.9 dated 17/02/2020 issued by the respondent No.1. By the said Circular the amount of royalty was required to be deducted and the price escalation was to be determined on the amount remaining after such deduction. It is not in dispute that the said circular was the subject matter of challenge in Writ Petition No.2209/2020 and by the judgment dated 20/10/2020 this Court held that the circular dated 17/02/2020 would not be applicable to the case of the petitioner as it had no retrospective operation. It was observed that since the contract entered into was between the period from 2011 to 2014, said circular was not applicable.

Today Shri P. B. Patil, learned counsel for the respondents has tendered a copy of circular No.11 dated 22/04/2021. It is taken on record and marked 'A' for identification. He submits that this fresh circular is in super-session of the Circular dated 17/02/2020 and therefore it would

not be necessary in these facts to consider the challenge raised in the writ petition.

Accordingly, in view of subsequent circular dated 22/04/2021 superseding the circular dated 17/02/2020 the purpose of filing the writ petition is served.

The writ petition is accordingly disposed of. It is open for the respondents to process the bills of the petitioner in accordance with law.

(G. A. Sanap, J.)

(A. S. Chandurkar, J.)

Asmita