

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

WRIT PETITION NO. 6259 OF 2023
AND
CIVIL APPLICATION (CAW) NO. 1195 OF 2024

Shri Anil Kumar Chadalawada
VS
Maharashtra Metro Rail Corp. Ltd., through its Chairman, Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.S. Kesari, Advocate for petitioner
Shri G.A. Kunte, Advocate for respondent

CORAM : VINAY JOSHI, J. AND
SMT M.S. JAWALKAR, JJ.
DATE : 10/07/2024

Heard.

2. The petitioner a stranger, feeling aggrieved by the extension given to one of the Director of the respondent - Maha Metro Rail Corporation Limited, has made a representation dated 08/08/2023, to the Managing Director of respondent. It is the contention of the petitioner that the retirement age of Functional Director is 62 years, however, without any rules, regulations or authority, extension has been granted to the Director namely Mr. Sunil Mathur in an arbitrary manner. The petitioner, therefore, urged the

respondent to recall the decision and recover the salary or benefits received by the concerned.

3. Since the petitioner does not have any personal interest, initially this Court vide order dated 15/09/2023, directed petitioner to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand), to show his bonafides. Learned Counsel for petitioner would submit that the petitioner being citizen of India has right to invoke writ jurisdiction of this Court against the Government control agency.

4. The respondent vide reply-affidavit has stated that already decision was taken on the petitioner's representation and it has also been communicated to the petitioner vide letter dated 16/10/2023. It was informed that in the 29th Board of Directors meeting of respondent, unanimous decision was taken to extend the tenure of Mr. Mathur. Apparently, the petitioner's urge for taking the decision on his representation has been complied.

5. In the scenario, the petitioner seeks for amendment for converting this petition into Public Interest Litigation (PIL), as well as sought amendment in effect to set aside the order of extension dated 24/06/2022 taken by the Board of Directors. The petitioner would submit that this Court vide order dated 02/02/2024 has directed him to take steps to convert this

petition into Public Interest Litigation, which caused him to take out separate civil application for that purpose.

6. No doubt, the concept of locus has been diluted in case of Public Interest Litigation. The petitioner is no way concerned with the affairs of respondent which is State and Central Government controlled public body. The Board of Directors have already taken a decision to extend the tenure of the concerned Director. The respondent has pointed out Section 149 Sub Section 10 of the Companies Act, 2013, authorising the extension. However, the said issue is a subject matter of separate challenge. The purpose of this petition was served, since the decision was taken on representation of the petitioner. Now the aspect remains whether petitioner can challenge the decision taken by the Board of Directors.

7. In the circumstances, it needs to be evaluated whether a Public Interest Litigation to that effect would lie. The Bombay High Court Public Interest Litigation Rules, 2010 provides a specific procedure to be complied under Rule 5 for filing Public Interest Litigation. The petitioner has to satisfy Registrar of this Court about the maintainability of the Public Interest Litigation, including the involvement of public interest, on which, the action would be taken in terms of Rule 6. In absence of such compliance, we are not inclined to merely label this petition as a Public Interest Litigation.

8. In view of above, writ petition stands disposed. The petitioner is at liberty to file separate Public Interest Litigation raising new additional cause. We make it clear that we have not decided the maintainability of Public Interest Litigation, which shall be independently considered, if occasion arises so.

9. Civil Application also stands disposed of.

(SMT M.S. JAWALKAR, J.)

(VINAY JOSHI, J.)