GAURI AMIT GAEKWAD
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Gauri Gaekwad

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2011 OF 2003
WITH
INTERIM APPLICATION NO. 2054 OF 2026
WITH
NOTICE OF MOTION NO. 567 OF 2007
IN
WRIT PETITION NO. 2011 OF 2003

Tata Power Company Limited …Petitioner
Versus
The Board of Trustees of the Port of Mumbai and Anr. …Respondents

WITH
WRIT PETITION NO. 1460 OF 2011

The Tata Power Company Limited and Anr. …Petitioners
Versus
Union of India and Ors. …Respondents

Mr. Bhushan Deshmukh a/w. Ms. Shyamali Gadre and Ms. Mrunal Tavade i/b. Little and Co. for the Petitioner in WP/2011/2003 and for the Applicant in IA/2054/2026.
Mr. Shyamdhar Upadhyay i/b. Desai Desai Carrimjee and Mulla LLP for the Petitioners in WP/1460/2011.
Mr. Dhruva Gandhi a/w. Mr. Rooshesh Motiwalla i/b. Motiwalla and Co. for Respondent No.1 in WP/2011/2003.
Mr. M.S. Bhardwaj a/w. Mr. Amit Sharma for Respondent No.1 in WP/1460/2011.
Mr. Suresh Kumar for Respondent Nos.2 to 4 in WP/1460/2011.

CORAM: SUMAN SHYAM &
GAUTAM A. ANKHAD, JJ.

DATED: 14th OCTOBER 2026.

PC:-

WRIT PETITION NO. 1460 OF 2011

1. Mr. Upadhyay, learned counsel for the Petitioners, submits that, pursuant to the amendments carried out in the Writ Petition, a copy of the amended Writ Petition is yet to be served on the other side. Mr. Bhardwaj, learned counsel for Respondent No.1, seeks leave to file an additional reply, if necessary.

2. A copy of the amended Petition be served upon the learned counsel for the Respondents within one week from today. Within three weeks thereafter, the Respondents may file an additional reply by serving advance copy on the other side.

3. Let the Writ Petition be listed on **26th November, 2026** for directions.

INTERIM APPLICATION NO. 2054 OF 2026

4. This Interim Application has been filed seeking leave to amend the Petition in terms of the prayers made in the Interim Application.

5. We have perused the same. Respondent No. 1 has tendered a reply opposing the prayer in the Interim Application, which is taken on record. By referring to the statements made in the Application, Mr. Deshmukh, learned counsel for the Applicant,

submits that the amendments sought by the Applicant are in tune with the main prayer in the Writ Petition and, if allowed by this Court, would obviate the need for further legal proceedings on the same subject. Responding to the above, Mr. Gandhi, learned counsel for Respondent No.1, submits that there is an attempt to change the nature and character of the proceedings by seeking the amendment and, therefore, the same be declined by the Court.

6. We have considered the submissions. After going through the statements made in the Application as well as the reply, we are convinced that if the amendments are allowed, the same would not change the nature and character of the present proceedings nor may invite any claim that is barred by limitation. On the contrary, Respondent No.1 would have ample opportunity to contest any additional prayer/statement in the Writ Petition by filing an additional reply.

7. Thus, leave to amend is hereby granted. The amendments be carried out in the connected Writ Petition in terms of the Schedule of Amendments in the Application and a copy of the amended Writ Petition be served upon the learned counsel for Respondent No.1 within two weeks from today. Re-verification is dispensed with.

8. The Interim Application stands disposed of.

9. Respondent No.1 shall be at liberty to file an additional reply within two weeks thereafter.

(GAUTAM A. ANKHAD, J.) (SUMAN SHYAM, J.)