

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/WRIT PETITION (PIL) (WRIT PETITION (PIL)) NO. 9 of
2024**

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RE-MANAGEMENT OF THE WATER BODIES SUCH AS
RESERVOIRS/PONDS/RIVERS/LAKES IN THE STATE OF
GUJARAT, & ANR.

Versus

STATE OF GUJARAT THROUGH THE SECRETARY HOME
DEPARTMENT & ORS.

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Appearance:

LAW OFFICER BRANCH(420) for the Applicant(s) No. 1,2
MS TRUSHA PATEL, SR. ADVOCATE with MS E.SHAILAJA(2671)
for the Applicant(s) No. 1,2
MR KAMAL TRIVEDI, ADVOCATE GENERAL with MR. VINAY
BAIRAGRA, AGP for the Opponent(s) No. 1
MR PRAKASH K. JANI, SR. ADVOCATE with G H VIRK(7392) with
MR SIMRANJIT VIRK with MS NENCY SHETH for the Opponent(s)
No. 2
MR MEHUL DHONDE for MR UTKARSH J DAVE(10620) for the
Opponent(s) No. 3
MR NIRAV C THAKKAR with MR. RADHESH Y VYAS(7060) for the
Opponent(s) No. 4
MR SIDDHARTH H DAVE(5306) for the Opponent(s) No. 5
MR VIBHUTI NANAVALATI and MS MASUMI V NANAVALATI(9321) for
the Opponent(s) No. 6

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**CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE
SUNITA AGARWAL
and
HONOURABLE MR. JUSTICE D.N. RAY**

Date : 13/03/2026

**ORAL ORDER
(PER : HONOURABLE THE CHIEF JUSTICE
MRS. JUSTICE SUNITA AGARWAL)**

1. In the present matter before us, the only issue agitated is that two private persons, impleaded as opposite party nos. 5 and 6 in the present petition under the directions issued by

the Apex Court in the order dated 28.07.2025, be called upon by issuance of notice to show cause as to why liability towards compensation awarded by this Court to the victims and their families be not fixed upon them.

2. The learned counsel for the respondent no.4 vehemently argued that this Court is required to issue notice to the respondents no.4 and 5 to examine about their role or liability in the matter of payment of compensation.

3. At the outset, it is noteworthy that in view of the directions contained in the order of the Apex Court dated 28.07.2025 in Special Leave to Appeal (C) Nos.18681-18682 of 2025 on an application filed by the respondent no.4 herein, namely M/s.Kotia Projects, both M/s. Tristar Enterprise and M/s. Dolphin Entertainment have already been impleaded as opposite parties no. 5 and 6 in the present petition without asking any question.

4. However, to the stand of the respondent no.4 M/s. Kotia Projects, that the said two respondents are their joint venture partners, an affidavit, in rebuttal, dated 19.11.2025 has been filed on behalf of the Vadodara Municipal Corporation, the respondent no.2 herein in the impleadment application, stating that the contract for boating activity awarded by the Corporation was not to any joint venture comprising of three entities, viz. M/s. Kotia Projects, Tristar Enterprise and M/s. Dolphin Entertainment.

5. It is contended on behalf of the Corporation, referring to its earlier affidavit dated 23.04.2024 filed in the Writ petition itself, that the contractor M/s. Kotia Projects stated to have

sub-contracted the boating facility to M/s. Dolphin Entertainment and Amusement Park Private Limited through proprietor Mr. Nilesh Jain. However, as per the records of the Corporation, no such permission had been sought by the said contractor nor any such permission has been granted by the Corporation. The said stand of the Corporation in the affidavit dated 23.04.2024 has been asserted before us by Mr. Prakash Jani, the learned Senior Advocate for the Corporation to confront the prayer of the respondent no.4 Kotia Projects to issue notice to the newly impleaded respondents no.5 and 6 calling upon them to share or pay the part of compensation determined for the victims, in this public interest litigation.

6. We may note that it is clearly stated in the affidavit dated 19.11.2025 filed in the Civil Application for joining party, and the affidavit dated 23.04.2024 filed in the writ petition, by the Vadodara Municipal Corporation that the record of the Corporation does not even reflect of any intimation/communication ever sent by the contractor M/s. Kotia Projects with regard to sub-contracting of the boating activities at Harni Monath Lake, nor any such permission has ever been granted (even prior or later).

7. It is submitted that there is absolutely no communication on record of the Corporation recording the alleged tripartite agreement purportedly executed between M/s. Tristar Enterprise, M/s. Dolphin Entertainment and M/s. Kotia Projects, respondent no.4. Moreover, the delegation or sub-contracting any portion of the boating activities to a third

party, viz. M/s. Tristar Enterprise or M/s. Dolphin Entertainment for boating activities by respondent no.4 M/s Kotia Projects was not permissible under the contract.

8. It was argued by Mr. Prakash Jani, learned Senior Advocate assisted by Mr. G.H. Virk, learned advocate appearing for the Vadodara Municipal Corporation that the work agreement dated 21.07.2017 for development of the Harni Monath Lake on Public Private Partnership basis (PPP Mode) was between the Vadodara Municipal Corporation and M/s. Kotia Projects, Vadodara, referred to as the 'Developer' therein. As per clause '7' of the agreement, the 'Developer' (M/s. Kotia Projects), has been made fully responsible for any loss to the life or property of any and for all the claims arising out of any incident. By reading the said agreement, it was vehemently submitted by the learned Senior counsel that no clause under the agreement permits sub-contracting of the liability of M/s. Kotia Projects for boating activities.

9. Taking note of the above, we may only say that since the correctness of the judgment and order dated 09.05.2025 passed by this Court in the Civil Application (for review) No.892 of 2025 filed in the present Public Interest Litigation, is subject matter of consideration before the Apex Court in the aforesaid Special Leave to Appeal, wherein notice has been issued to the respondents vide order dated 28.07.2025, it would not be appropriate for us to reflect upon the issues raised by the parties with regard to the liability of the respondents no.5 and 6, viz. M/s. Tristar Enterprise and M/s. Dolphin Entertainment as the joint venture partners with

respondent no.4 M/s. Kotia Projects.

10. We may respectfully say that the said specific question being pending before the Apex Court, we must wait for the decision of the Apex Court before proceeding further.

11. The matter is, therefore, posted on 08.05.2026 at 12.30 PM, leaving it open for the parties to seek preponement of the date fixed, in case of any decision or direction of the Apex Court on the issue.

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

BIJOY B. PILLAI