

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2377 OF 2018

Starlight Systems (I) Limited ... Petitioner
Liabilty Partnership (Formerly know
as Starlight Systems Pvt. Ltd.)

V/s.

Mumbai Metropolitan Region ... Respondents
Development Authority and Ors.

WITH
WRIT PETITION NO. 3209 OF 2017

Shree Naman Hotels Pvt. Ltd. ... Petitioner

V/s.

Mumbai Metropolitan Region ... Respondents
Development Authority and Ors.

WITH
WRIT PETITION NO. 864 OF 2018

Indian Newspaper Society ... Petitioner

V/s.

Mumbai Metropolitan Region ... Respondents
Development Authority and Ors.

WITH
WRIT PETITION NO. 242 OF 2018
WITH
INTERIM APPLICATION NO. 2172 OF 2020

Reliance Industries Ltd and Anr. ... Petitioners

V/s.

Mumbai Metropolitan Region ... Respondents
Development Authority and Ors.

Dr. Sujay Kantawala, with Mr. Viraj Parikh with Mr. Samit Shukla with Ms. Saloni Shah with Ms. Sayali Diwadkar I.by DSK Legal for petitioner in WP/2377/2018.

Mr. Neer Karia I.by Markant Gandhi and Co. for petitioner in WP/1864/2018.

Mr. Vaibhav Krishna a/w. Mr Tahir Prande i/by Juris Consillis for petitioner.

Mr. Pravin Samdani, Senior Advocate with Mr. Aditya Shiralkar with Mr. Nivit Srivastava with Ms. Sneha Patil I.by Maniar Srivastave Associates for respondent in all petitions.

CORAM : SUNIL B. SHUKRE &
FIRDOSH P. POONIWALLA, JJ

DATE : 4th SEPTEMBER 2023.

PC:

IN WRIT PETITION NO. 2377 OF 2018

1. In this petition, as pointed out by learned counsel, there is an order passed by the Supreme Court to hear and dispose of the petition expeditiously and that is why this petition has been kept for hearing today. However, as per the order passed by this Court earlier, on 12th June 2023, this petition has also been tagged along with other Petitions namely Writ Petition No. 3209 of 2017, Writ Petition No. 864 of 2018 and Writ Petition No. 242 of 2018. It is stated on behalf of the respondents that there are two more petitions which have been directed to be tagged along with this petition but today they are not listed on board for hearing.

2. Shri. Samdani, learned Senior Advocate for respondent

no. 1 submits that all these petitions, broadly speaking, involve an issue about the right of respondent no.1 to claim additional premium for delayed completion of the contracted work and therefore, it is necessary that all these petitions are heard and decided together.

3. On cursorily going through the facts of each of these petitions, we find that broadly speaking the issue involved in these petitions may appear to be similar and even common but, the facts of each of these cases being different, each of the writ petitions would have to be heard separately and one after another. Then, one of the petitions i.e. Writ Petition No. 242 of 2018 is not to be placed before the bench presided over by Shri Firdosh Pooniwalla, J. and therefore, this petition either would have to be de-tagged or else the entire bunch of petitions would have to be placed before the alternate bench, as may be constituted. Shri. Samdani, learned Senior Advocate submits that none of the petitions be de-tagged from this bunch of the petitions and whereas Shri. Kantawala, learned counsel for the Petitioner in Writ Petition No. 2377 of 2018 submits that since this petition is a Supreme Court expedited matter and so, it is required to be heard expeditiously and since it has to be heard separately, there should be no impediment for this Court in taking up this matter separately.

4. Considering the earlier orders passed by this Court and also the rival submissions, it would be appropriate that this entire bunch of petitions is placed before the other alternate appropriate bench.

(FIRDOSH P. POONIWALLA, J)

(SUNIL B. SHUKRE, J)