

**CORAM :- S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.**

DATED :- AUGUST 24, 2016

P.C. :-

1) Today when the matter is called out, we are informed that on today's board is a chamber summons, which has been filed by applicant Umeshkumar Gupta and others, namely, Chamber Summons (L) No. 273 of 2016 for joinder as party respondents.

2) Mr. Kadam learned senior counsel appearing for the applicants states that these applicants would be vitally affected, particularly by the legal issue raised in this petition. They would also be affected in the event the Government places any policy and contrary to the interest that it has, till date, been protecting, including of all these applicants.

3) Having heard both sides, we find that the petitioner has no objection to join these applicants as party respondents, but their anxiety is that the number of applicants and who wish to join as party respondents should not go on increasing for they are all individuals. While we allow the chamber summons and the joinder, we clarify that the joinder of these nine applicants shall be taken as representation of the interest of similarly placed individuals. It would be the duty of these newly added

applicants/respondents to inform, through appropriate communication measure, other similarly placed individuals so that this would be a representative joinder. With this clarification, the chamber summons is made absolute. Let the amendment be carried out on or before 29th August, 2016. Let the amended memo be served on all parties, including the newly added respondents before the next date.

4) The affidavit in reply tendered by Mr. Khambatta learned senior counsel appearing for respondent nos. 6 and 7 is taken on record. A copy is served of this affidavit on the petitioner's counsel in court.

5) The State Government is yet to file an affidavit. It would be for the State to indicate on affidavit the policy and scheme. Since the petitioner is seeking to place its interpretation on the legal provision, we do not think an elaborate affidavit much less lengthy one is called for. Let the affidavit of the State, if any, be filed within one week from today with advance copy to all parties. If the affidavit is not filed and served within the stipulated period, the right to file reply would stand forfeited.

6) We place this matter on 2nd September, 2016. To be placed on the "Supplementary Board".

7) Liberty to file a rejoinder, which shall be filed on or before the returnable date.

(B.P.COLABAWALLA, J.)

(S.C.DHARMADHIKARI, J.)