

ITEM NO.103

COURT NO.8

SECTION III

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Civil Appeal No. 9512/2018

PRADIP MADHORA MAHALLE & ORS.

Appellant(s)

VERSUS

STATE OF MAHARASHTRA THR.

ITS SECRETARY FINANCE DEPARTMENT MUMBAI & ORS.

Respondent(s)

[ GROUP MATTER ]

(IA No. 5488/2020 - APPLICATION FOR TAGGING/DETAGGING and IA No. 118393/2022 - EXEMPTION FROM FILING O.T. and IA No. 118392/2022 - INTERVENTION APPLICATION and IA No. 8313/2022 - INTERVENTION APPLICATION)

WITH

C.A. No. 5834-5837/2023 (III)

(IA No.145546/2023-CONDONATION OF DELAY IN FILING and IA No.145550/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.145551/2023-EXEMPTION FROM FILING O.T. and IA No.145548/2023-CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS)

C.A. No. 5833/2023 (III)

(FOR ADMISSION and I.R. and IA No.113771/2023-CONDONATION OF DELAY IN FILING and IA No.113772/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.113773/2023-EXEMPTION FROM FILING O.T.)

C.A. No. 6051/2019 (III)

C.A. No. 7337/2019 (III)

(IA No. 4663/2022 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

SLP(C) No. 20756-20761/2021 (IX)

SLP(C) No. 20570-20571/2021 (IX)

C.A. No. 2436-2449/2020 (III)

C.A. No. 1810/2020 (III)

SLP(C) No. 8603/2020 (IX)

(IA No.54552/2020-EXEMPTION FROM FILING O.T. and IA No. 78146/2023 - EXEMPTION FROM FILING O.T. and IA No. 102828/2020 - EXEMPTION FROM FILING O.T. and IA No. 54552/2020 - EXEMPTION FROM FILING O.T.)

CA No. 9512/2018 etc.

**and IA No. 78144/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)**

**C.A. No. 84-85/2021 (III)**

**C.A. No. 3993/2023 (III)**

**(FOR ADMISSION and I.R. and IA No.100658/2023-CONDONATION OF DELAY IN FILING and IA No.100657/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.100659/2023-EXEMPTION FROM FILING O.T. and IA No.100660/2023-CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS and IA No. 100657/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 100659/2023 - EXEMPTION FROM FILING O.T.)**

**C.A. No. 9513/2018 (III)**

**(IA No. 5477/2020 - APPLICATION FOR TAGGING/DETAGGING)**

**C.A. No. 9514/2018 (III)**

**(IA No. 5461/2020 - APPLICATION FOR TAGGING/DETAGGING)**

**C.A. No. 9517/2018 (III)**

**( IA 123336/2021 - FOR ADDITION / DELETION / MODIFICATION PARTIES)**

**C.A. No. 4266/2019 (III)**

**C.A. No. 6052/2019 (III)**

**C.A. No. 6053/2019 (III)**

**SLP(C) No. 26511/2023 (IX)**

**(FOR ADMISSION and I.R. and IA No.229137/2023-CONDONATION OF DELAY IN FILING and IA No.235874/2023-INTERVENTION APPLICATION and IA No.229138/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.235877/2023-EXEMPTION FROM FILING O.T. and IA No.229140/2023-EXEMPTION FROM FILING O.T. and IA No.229135/2023-CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS)**

**SLP(C) No. 28161/2023 (IX)**

**(FOR ADMISSION and I.R. and IA No.220190/2023-CONDONATION OF DELAY IN FILING and IA No.220193/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.220194/2023-EXEMPTION FROM FILING O.T. and IA No.220192/2023-CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS)**

**SLP(C) No. 28336/2023 (IX)**

**(IA No.232963/2023-CONDONATION OF DELAY IN FILING and IA No.232966/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.232968/2023-EXEMPTION FROM FILING O.T. and IA No.232969/2023-CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS)**

**SLP(C) No. 28160/2023 (IX)**

**(IA No.222555/2023-CONDONATION OF DELAY IN FILING and IA No.222556/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.222558/2023-EXEMPTION FROM FILING O.T. and IA No.222560/2023-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)**

**Diary No(s). 50696/2023 (IX)**

**(FOR ADMISSION and I.R. and IA No.257439/2023-CONDONATION OF DELAY IN FILING and IA No.257444/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.257447/2023-EXEMPTION FROM FILING O.T.)**

**Diary No(s). 50699/2023 (IX)**

**(FOR ADMISSION and I.R. and IA No.258315/2023-CONDONATION OF DELAY IN FILING and IA No.258316/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.258317/2023-EXEMPTION FROM FILING O.T.)**

**Diary No(s). 50707/2023 (IX)**

**(FOR ADMISSION and I.R. and IA No.257519/2023-CONDONATION OF DELAY IN FILING and IA No.257520/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.257521/2023-EXEMPTION FROM FILING O.T.)**

**Diary No(s). 50720/2023 (IX)**

**(IA No.258410/2023-CONDONATION OF DELAY IN FILING and IA No.258412/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.258414/2023-EXEMPTION FROM FILING O.T.)**

**Diary No(s). 50722/2023 (IX)**

**(IA No.257565/2023-CONDONATION OF DELAY IN FILING and IA No.257566/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.257567/2023-EXEMPTION FROM FILING O.T.)**

**Diary No(s). 50697/2023 (IX)**

**(IA No.259998/2023-CONDONATION OF DELAY IN FILING and IA No.259999/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.260000/2023-EXEMPTION FROM FILING O.T.)**

**Diary No(s). 52112/2023 (IX)**

**(FOR ADMISSION and I.R. and IA No.265995/2023-CONDONATION OF DELAY IN FILING and IA No.265997/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.265999/2023-EXEMPTION FROM FILING O.T.)**

**SLP(C) No. 782/2024 (IX)**

**(IA No. 372/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 374/2024 - EXEMPTION FROM FILING O.T.)**

**Diary No(s). 52911/2023 (IX)**

**(IA No.267980/2023-CONDONATION OF DELAY IN FILING and IA No.267981/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.267982/2023-EXEMPTION FROM FILING O.T.)**

CA No. 9512/2018 etc.

**Diary No(s). 52914/2023 (IX)**

**(IA No.267351/2023-CONDONATION OF DELAY IN FILING and IA No.267352/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.267353/2023-EXEMPTION FROM FILING O.T.)**

**SLP(C) No. 1587/2024 (IX)**

**(IA No. 1037/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 1038/2024 - EXEMPTION FROM FILING O.T.)**

**C.A. No. 4725/2024 (III)**

**(IA No. 200141/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 200143/2022 - EXEMPTION FROM FILING O.T.)**

**SLP(C) No. 8884-8885/2024 (IX)**

**(IA No.80239/2024-CONDONATION OF DELAY IN FILING and IA No.80241/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.80242/2024-EXEMPTION FROM FILING O.T. and IA No.80240/2024-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)**

**Diary No(s). 11609/2024 (IX)**

**(IA No.135387/2024-CONDONATION OF DELAY IN FILING and IA No.135388/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.135389/2024-EXEMPTION FROM FILING O.T. and IA No.135390/2024-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)**

**Date : 21-08-2024 These matters were called on for hearing today.**

**CORAM :**

**HON'BLE MR. JUSTICE J.K. MAHESHWARI  
HON'BLE MR. JUSTICE RAJESH BINDAL**

**For Appellant(s)**

**Ms. Manju Jetley, AOR**

**Mr. Suhaskumar Kadam, Adv.  
M/S. Black & White Solicitors, AOR**

**Ms. Manisha T. Karia, Sr. Adv.  
Mr. Sandeep Sudhakar Deshmukh, AOR  
Mr. Nishant Sharma, Adv.  
Mr. Patil Avi Vilas, Adv.  
Mr. Vasudev Swain, Adv.  
Mr. Deepin Deepak Sahni, Adv.  
Ms. Ananya Arora, Adv.  
Ms. Shreya Gupta, Adv.**

**Ms. Damini Hajela, AOR**

**Ms. Pallavi Pratap, AOR**

Mr. Rahul Chitnis, Adv.  
Mr. Siddharth Dharmadhikari, Adv.  
Mr. Aaditya Aniruddha Pande, AOR  
Mr. Bharat Bagla, Adv.  
Mr. Sourav Singh, Adv.  
Mr. Aditya Krishna, Adv.  
Ms. Preet S. Phanse, Adv.  
Mr. Adarsh Dubey, Adv.

Mr. Harin P. Raval, Sr. Adv.  
Mr. Siddharth Gautam, Adv.  
Mr. Satyajit A Desai, Adv.  
Mr. Siddharth Gautam, Adv.  
Mr. Abhinav K. Mutyalwar, Adv.  
Mr. Abhinav K. Mutyalwar, Adv.  
Mr. Ananya Thapliyal, Adv.  
Mr. Sachin Singh, Adv.  
Ms. Anagha S. Desai, AOR  
Ms. Urmi H. Raval, Adv.  
Ms. Shreya Bansal, Adv.  
Ms. Shrestha Narayan, Adv.  
Mr. Satyajit A. Desai, Adv.

Mr. Sachin Shanmukham Pujari, AOR

Mr. Amol Nirmalkumar Suryawanshi, AOR

Mr. C. U. Singh, Sr. Adv.  
Mr. Suresh Pakale, Sr. Adv.  
Mr. Aniruddha Joshi, Sr. Adv.  
Mr. Shashibhushan P. Adgaonkar, AOR  
Mr. Saurabh Pakale, Adv.

Petitioner-in-person

For Respondent(s)

Mr. Sudhanshu S. Choudhari, Sr. Adv.  
Mr. Vatsalya Vigya, AOR  
Mr. M. Veeraragavan, Adv.  
Ms. Gautami Yadav, Adv.  
Ms. Pranjal Chapalgaonkar, Adv.

Mr. Abhay Anil Anturkar, Adv.  
Mr. Shubham Misar, Adv.  
Mr. Dhruv Tank, Adv.  
Mr. Aniruddha Awalgaonkar, Adv.  
Ms. Surbhi Kapoor, AOR  
Mr. Bhagwant Deshpande, Adv.

Mr. Amol Nirmalkumar Suryawanshi, AOR

Mr. Shivaji M. Jadhav, AOR  
Mr. Vignesh Singh, Adv.  
Mr. Adarsh Kumar Pandey, Adv.  
Mr. Brij Kishor Sah, Adv.  
Mr. Aditya S. Jadhav, Adv.  
Mr. Alok Kumar, Adv.  
Mr. Aakash Shankar, Adv.  
Mr. Deepanshu Poddar, Adv.

Mr. Ravindra Keshavrao Adsure, AOR

Mr. Kailas More, AOR  
Ms. Nirmala D. Borade, Adv.

Mr. Shyam Mehta, Sr. Adv.  
Mr. Siddharth Dharmadhikari, Adv.  
Mr. Aaditya Aniruddha Pande, AOR  
Mr. Bharat Bagla, Adv.  
Mr. Varad Kilor, Adv.  
Mr. Sourav Singh, Adv.  
Mr. Aditya Krishna, Adv.  
Ms. Preet S. Phanse, Adv.  
Mr. Adarsh Dubey, Adv.

Mr. Prashant Padmanabhan, AOR

Mr. Sagar Pahune Patil, AOR

Mr. Nishant Ramakantrao Katneshwarkar, AOR

Mr. Shirish K. Deshpande, AOR  
Ms. Rucha Pravin Mandlik, Adv.  
Ms. Harsimran Kaur Rai, Adv.  
Mr. Mohit Gautam, Adv.  
Mr. Apoorv Sharma, Adv.  
Mr. Rishi Didwania, Adv.  
Ms. Rachana S., Adv.

Mr. T. Harish Kumar, AOR

Mr. Ravi Kumar Tomar, AOR  
Mr. Dinesh S. Badiar, Adv.

Ms. Manju Jetley, AOR

Mr. D. Siva Rami Reddy, AOR  
Mr. Vijay S Khamkar, Adv.

Mr. Gaurav Choudhary, AOR

Mr. Shashwat Goel, AOR (Not present)

**Mr. Kailas Bajirao Autade, AOR**

**Mr. Sachin Patil, AOR**

**Mr. Somanatha Padhan, AOR**

**UPON hearing the counsel the Court made the following  
O R D E R**

Civil Appeal No. 9512 of 2018

I.A. No. 3/2017 was filed in SLP (C)No. 20037/2015 (converted to Civil Appeal No. 9512/2018) with the following prayer:

- i) grant permission to the applicants to intervene in the present Special Leave Petition (Civil) No.20037/2015.

*Vide* order dated 11.09.2017, while allowing this application for intervention, which was not opposed, the Court directed to file amended cause title. Accordingly, the amended cause title was produced joining petitioner/appellant Nos. 7-131.

In our view, they are not required to be joined as party as they had only prayed in their application for intervention, therefore, their names be deleted from the cause title of Civil Appeal No.9512/2018.

Needful be done by the appellants within two weeks and the amended cause title be filed which will be tagged on record by the office at appropriate place.

As a consequence of the deletion of the names of appellant Nos. 7-131, the applications filed for substitution on behalf of the legal representatives of appellant Nos. 7, 51, 104 and 124 and the orders passed in this regard in the proceedings be ignored.

I.A. Nos. 8313/2022 and 118392/2022 have been filed seeking intervention along with I.A. No. 8314/2022 and 118393/2022 seeking exemption from filing official translation. As per order dated 11.09.2017, some of the persons have been permitted to intervene in the matter, taking consistent view, we permit them to intervene in the petition/appeal.

I.A. No. 35703/2024 has been filed by Mr. Gaurav Choudhary, Advocate, seeking permission for four MLAs/MLCs to intervene in the matter.

Learned counsel for the intervenors has appeared in the second round. After hearing, in our view, such an application

is completely misconceived looking to the issues involved. Therefore, the same is rejected.

Civil Appeal Nos. 5834-5837/2023

Civil Appeal No. 5833/2023

In Civil Appeal Nos. 5834-5837/2023, four applications (I.A. Nos. 145546/2023, 145550/2023, 145551/2023 and 145548/2023) and in Civil Appeal No. 5833/2023, three applications (I.A. Nos. 113771/2023, 113772/2023, and 113773/2023) have been listed for orders. All these applications have already been allowed and disposed of *vide* order dated 12.09.2023.

Registrar (Listing) to submit an explanation within two weeks as to why, after disposal of the above applications, these have been listed for orders.

Civil Appeal No. 6051/2019

As per office report dated 06.08.2024, Respondent Nos. 9, 10 and 11 are not served.

Learned senior counsel submits that with respect to the

issues involved in this case, respondent Nos. 9 and 10 are not necessary party and respondent No.11 was a petitioner before the High Court. As he had not joined in this Civil Appeal as appellant, therefore, he was joined as proforma respondent No.11. In view of the said, it is orally prayed that their names may be permitted to be deleted at their own risk and cost.

As requested, the prayer is allowed. The names of respondent Nos. 9, 10 and 11 are permitted to be deleted. Amended memo be filed within two weeks.

CIVIL APPEAL NO. 7337/2019

I.A. No. 4663/2022 has been filed by Mr. Jawed Alam Shaikh seeking permission to appear and argue the case on behalf of appellant Nos.1 to 3. It is stated that appellant Nos. 1 and 2 are his sons and appellant No.3 is his wife. It is stated that general power of attorney has been given by the appellants and a copy thereof has been attached with the application.

Considering the aforesaid, we grant permission to Mr. Jawed Alam Shaikh to argue the case for the appellants in-person. Mr. Jawed Alam Shaikh undertakes to appear in the

matter as and when it is listed.

In consequence, we discharge the Advocate on Record (AOR) from the case. At this stage, Mr. Jawed Alam Shaikh states that the AOR has died. The said fact is taken on record.

SLP (C)No. 20756-20761/2021

A common office report dated 06.08.2024 has been placed for consideration which reads as under:

Sr.No.	SLP No.	Total RR	Vakalatnama	Counter affidavit	Tracking Report/Remarks	Service Position
1.	20756-61/21	17	R-1 to 7 are represented by Mr. A.A. Pande, Advocate		Served on R-8, 9,12 to 15 and 17 but none has entered appearance.	Not complete on R-10, 11 and 16

A perusal of the said office report reveals that respondent Nos. 10, 11 and 16 have not been served. On perusal of the memo of different Special Leave Petitions as attached, respondent Nos. 10, 11 and 16 are not same persons.

In our view, how far this report can be accepted for service in six different Special Leave Petitions, is to be explained by the Registrar. Explanation in this regard be submitted within two weeks in chambers.

A clear office report in all the six Special Leave Petitions be produced regarding service.

SLP (C)Nos. 20570-20571/2021

In view of the above order passed in SLP (C)No. 20756-20761/2021, detailed report of service in these Special Leave Petitions be produced for orders.

An explanation be submitted as to why such reports are being placed before the Court which are not clear regarding service of different respondents.

The explanation be submitted by the Registrar concerned as also by all concerned officers/officials who had submitted such office reports, within two weeks in chamber.

Re-list the matters after four weeks.

**(NIDHI AHUJA)**  
AR-cum-PS

**(ANU BHALLA)**  
COURT MASTER (NSH)