

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

Petition(s) for Special Leave to Appeal (Civil)...../2013
CC 12830/2013

(From the judgement and order dated 18/07/2012 in WP No.961/2012, of The
HIGH COURT OF BOMBAY AT NAGPUR)

MUNICIPAL CORP. OF CITY OF AMRAVATI &ANR Petitioner(s)

VERSUS

STATE OF MAHARASHTRA & ORS. Respondent(s)

(With appln(s) for c/delay in filing SLP,c/delay in refiling SLP and office
report)

Date: 19/07/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA
HON'BLE MR. JUSTICE V. GOPALA GOWDA

For Petitioner(s) Mr. Satyajit A. Desai, Adv.

For Respondent(s)

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

The delay of 28 days in refiling the special leave petition
is condoned.

This petition is directed against order dated 18.7.2012
passed by the Division Bench of the Bombay High Court, Nagpur Bench,
paragraphs 11 and 12 of which read as under:

"11. In these circumstances, while allowing this Writ Petition,
we accept the statements that have been made by the Commissioner
as an undertaking to this Court. We are of the opinion that to
avoid action under the Contempt Law, the Municipal Corporation
and the Municipal Commissioner will ensure that public interest
and public goods does not suffer hereafter.

12. Rule is thus made absolute in terms of Prayer clause (1)
and (2). However, there will be no order as to costs."

The special leave petition is accompanied by an application
for condonation of 204 days' delay.

We have heard Shri Satyajit A. Desai, learned counsel for
the petitioners and perused the record.

In our opinion, the explanation given by the petitioners
for delayed filing of the special leave petition, to say the least, is
wholly unsatisfactory and there is no warrant for exercise of power by
this Court under Section 5 of the Limitation Act.

Even on merits, we are convinced that the special leave
petition is liable to be dismissed. The question similar to the one
raised in this petition was recently considered in Shrirampur

Municipal Council, Shrirampur v. Satyabhamabai Bhimaji Dawkher and others 2013 (5) SCALE 179 and answered against the petitioners.

In view of the above, the special leave petition is dismissed as barred by time and also on merits.

| (Parveen Kr.Chawla)
| Court Master
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| | (Usha Sharma)
| | Court Master
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