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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELATE JURISDICTION  
PUBLIC INTEREST LITIGATION NO.176 OF 2012  
WITH  
CIVIL APPLICATION NO.41 OF 2014

Rajesh madhukar Pandit

...Petitioner

vs.

The Nashik Municipal Corporation  
and others

...Respondents

Mr.Pravartak Pathak for the Petitioner

Mr.M.L.Patil for the respondent Nos.1 and 2

Mr.D.A.Nalawade a/w Mr.N.R.Prajapati for respondent  
no.4Mr.Vineet Naik, Senior Advocate a/w Mr.Prashant  
Kamble i/b Kartikeya and Associates for respondent  
no.7Mr.A.B.Vagyani, G.P and Ms M.P.Thakur, AGP for  
respondent No.5

Mr.Kamlesh Mali for respondent Nos.9 and 10.

CORAM : A.S.OKA, &  
G.S.PATEL, JJ.

DATE : DECEMBER 16, 2015

P.C.:

1 In terms of the earlier order, the National Environmental Engineering Resarch Institute (for short `NEERI') has submitted a report on the assessment of River Godavari during and after Sinhastha Kumbhamela. The learned counsel for the petitioner is possessing a copy of the said report. He will supply the copies of the said report to the Advocates representing the parties. He will also place the said report before the Committee headed by the Divisional Commissioner. We are informed that the Committee is likely to meet in the next week.

We are sure that the Committee will look into the recommendations made by NEERI and will take appropriate remedial steps. The decision taken by the said Committee headed by the Divisional Commissioner on the recommendations of NEERI shall be placed before this Court on the next date to enable the Court to issue appropriate directions.

2 Our attention is invited to clause (i) of paragraph 25 of the order dated 11<sup>th</sup> September 2015. Clause (i) reads thus:

“(i) We direct that the State Government to take appropriate decision in terms of the Clause 27 of the Agreements dated 16<sup>th</sup> January 2012 and 8<sup>th</sup> February 2012 within a period of six weeks from today and to place the said decision on record of this Court. In view of the clear terms of the said Agreements, it follows that the Seventh Respondent M/s.Indiabulls will have to act in accordance with the said decision.”

3 Today, an affidavit of Shri Rajendra Shamrao Shinde, the Executive Engineer, Nashik Irrigation Division, Nashik is tendered across the bar. The letter dated 11<sup>th</sup> December 2015 addressed by the Secretary of the State Government to the Chief Engineer is annexed. Considering what is stated in the said letter, we find that the State Government has not taken any conscious decision as regards the exercise of one of the three options in clause 27 of

both the Agreements. All that the State Government has stated is that for the time being M/s.Indiabulls will continue to get the water from Eklahare barrage.

4 The learned counsel for the Nashik Municipal Corporation has placed on record a letter dated 26<sup>th</sup> November 2015 addressed to the State Government dealing with the options to be exercised under clause 27 of the Agreements.

5 We must note here that the State Government has not taken any decision within the stipulated period of six weeks as provided in clause (i) of paragraph 25 of the order dated 11<sup>th</sup> September 2015. Only by way of indulgence, we extend the time by period of one month to the State Government to do the needful.

6 Needless to state that the State Government shall take into consideration what is stated in the letter dated 26<sup>th</sup> November 2015 of the Nashik Municipal Corporation. For considering the decision of the State Government and for considering the decision of the Committee headed by the Divisional Commissioner, this petition shall be listed on 27<sup>th</sup> January 2016 under the caption `Directions'.

(G.S.PATEL,J.)

(A.S.OKA,J.)