

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

Civil Appeal No 4574 of 2021
(Arising out of SLP (C) No 9021 of 2021)

Arvind Tukaram Shinde

Appellant(s)

Versus

State of Maharashtra and Others

Respondent(s)

ORDER

- 1 Leave granted.
- 2 By an order dated 30 June 2021, a Division Bench of the High Court of Judicature at Bombay, directed the appellant, who has instituted a PIL, to deposit 1% of the project cost of the sewage treatment plant by 5 July 2021.
- 3 Aggrieved by the direction for the deposit of costs, the appellant moved this Court with a grievance that this would place an unbearable burden on the appellant, having regard to the estimated cost of Rs 390 crores and effectively prevent him from pursuing the challenge in court. The appellant is a Corporator of the Pune Municipal Corporation.

- 4 By an order of this Court dated 19 July 2021, the appellant was directed to deposit an amount of Rs 10 lakhs in the Registry of the Bombay High Court to demonstrate his *bona fides*. Compliance has been effected and the amount has been deposited.
- 5 Rule 7A of the Bombay High Court Public Interest Litigation Rules 2010 has been invoked by the High Court to make an order for the deposit of costs. The purpose of incorporating such a provision is to ensure that public projects in particular are not dislocated by the institution of motivated PILs. While bearing Rule 7A in mind, it is equally necessary to ensure that a balance is struck so as to preclude the possibility of a denial of access to justice. Undoubtedly, the order of the High Court was intended to sub-serve the interest of ensuring that a public project is not unduly delayed by litigation. At the same time, we are of the view that the order for deposit of 1% of the project cost would be rather harsh and the interim order which was passed by this Court would sub-serve the ends of justice. Hence, we direct that since the appellant has complied with the order dated 19 July 2021 by depositing an amount of Rs 10 lakhs before the Registry of the High Court, the PIL can be heard on that basis instead and in substitution of the impugned direction which was issued by the High Court.

- 6 In view of the above circumstances, it is not necessary for this Court to issue notice to the respondents since the order for the deposit of costs is a matter between the Court and the appellant who has moved the proceedings.
- 7 We accordingly allow the appeal and set aside the impugned order of the High Court. The writ petition is restored to the file of the High Court. It would be open for the appellant to move the High Court for listing of the petition for admission. We clarify that we have made no observations in regard to the maintainability of the petition or on the merits of the case. The amount of Rs 10 lakhs deposited in pursuance of the order of this Court shall be invested in a short term deposit of a nationalized bank and shall abide by the directions of the High Court.
- 8 Pending applications, if any, stand disposed of.

.....J.
[Dr Dhananjaya Y Chandrachud]

.....J.
[M R Shah]

New Delhi;
August 3, 2021
CKB

ITEM NO.5

Court 5 (Video Conferencing)

SECTION IX

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 (C) No.9021/2021

(Arising out of impugned final judgment and order dated 30-06-2021 in PIL No.16/2021 passed by the High Court of Judicature at Bombay)

ARVIND TUKARAM SHINDE

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

Respondent(s)

(With appln.(s) I.R. and IA No.78463/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.78461/2021-EXEMPTION FROM FILING O.T.)

Date : 03-08-2021 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) **Mr. Vipin Nair, AOR**
 Mr. P.B. Suresh, Adv.
 Mr. Karthik Jayashankar, Adv.
 Mr. Arindam Ghosh, Adv.
 Mr. Anshuman Bahadur, Adv.
 Mr. C. Sanal Nambiar, Adv.

For Respondent(s)

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

- 1 Leave granted.
- 2 The appeal is allowed in terms of the signed order.
- 3 Pending application, if any, stands disposed of.

(CHETAN KUMAR)
A.R. -cum-P.S.

(SAROJ KUMARI GAUR)
COURT MASTER

(Signed order is placed on the file)