

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6872 OF 2014

Hotel Tunga Regency Pvt. Ltd. ... Petitioner
vs.
The State of Maharashtra & Ors. ... Respondents

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Mr. P.K. Dhakephalkar, Sr. Advocate with Mr.K.S.Dewal i/by
Mr. Jayesh Mahadeo Joshi for the petitioner.
Mrs. Neha Bhide, AGP for the respondent no.1-State .
Mr. Ashutosh M. Kulkarni, for the respondent nos.2 & 3.
Mr. Sandeep S. Thakur respondent no.4 in-person.
Mr. Sandeep V. Marne for the respondent no.5.

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CORAM : A.S. OKA & K.R. SHRIRAM, JJ.
DATE : 20TH AUGUST, 2015

P.C.:

1. Heard Mr. Dhakephalkar, the learned senior counsel appearing for the petitioner, the learned counsel appearing for the second respondent, the learned counsel appearing for the fifth respondent and the fourth respondent appearing in person.

2. The challenge in this petition is to the show cause notice dated 30th June, 2014. There is a reply filed by the City and Industrial Development Corporation of Maharashtra Limited (for short "CIDCO") to this petition stating that CIDCO would decide the show cause notice after

granting an opportunity of being heard to the petitioner and in accordance with the law.

3. Various contentions have been raised in this petition. It is contended that in terms of the order passed in the Public Interest Litigation, it is for this Court to consider the report submitted to this Court and to decide the issue whether the Agreement in respect of plot no.36B in sector 30A of Vashi should be terminated. The second contention is that without passing any order on the earlier show cause notice, a fresh show cause notice had been issued.

4. There is an assurance by the CIDCO that before passing an order on the show cause notice, the petitioner will be heard and an order will be made in accordance with law.

5. Hence it is not necessary to entertain this petition for challenging a show cause notice. Accordingly we pass the following order :

- (a) It will be open for the petitioner to submit a reply to the Show Cause Notice dated 30th June 2014 within a period of four weeks from today;
- (b) After giving an opportunity of being heard to the petitioners, the CIDCO shall pass an appropriate

order in accordance with law on the said show cause notice dated 30st June, 2014 as expeditiously as possible and, in any event, within a period of three months from today;

- (c) All contentions on merits of the show cause notice are kept open;
- (d) If CIDCO passes an order terminating the Agreement, before taking any action of dispossession, four weeks' advance notice shall be served by CIDCO to the petitioners;
- (e) The petition is disposed of on above terms.
- (f) All parties to act upon an authenticated copy of this order.

(K.R. SHRIRAM, J.)

(A. S. OKA, J.)