

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9670 OF 2013

M/s. Pavandham Investment
& Finance Co.Ltd. and Another.

.. Petitioners

Vs

City and Industrial Development Corporation
of Maharashtra Ltd. and Others.

.. Respondents

—

Shri Bhavesh Parmar along with Shri Vijay Yadav and Shri Bharat Yadav
i/by Vigil Juris for the Petitioners.

Shri Akshay Shinde i/by Shri Ashutosh M. Kulkarni for the Respondent
No.1.

Ms. Sonali Jadhav i/by Shri Kamlesh Ghumre for the Respondent Nos.2
and 3.

Shri V.P. Malvankar, AGP “A” Panel for the Respondent No.4.

--

CORAM : A.S. OKA &
VLACHLIYA, JJ

DATED : 23RD SEPTEMBER 2015

PC.

. Heard learned counsel appearing for the Petitioners, the
learned counsel appearing for the first to third Respondents respectively
and the learned AGP for the fourth Respondent. The challenge in this
Petition is to the show cause notice dated 26th August 2010 issued by
the first Respondent to the first Petitioner alleging that the Petitioners
have committed breach of the agreement to lease dated 11th July 1997.
By the said show cause notice, the Petitioners have been called upon to
show cause as to why the powers incorporated in the Condition
Nos.5(a) and 5(b) of the agreement to lease should not be invoked by

the First Respondent by terminating the said agreement. The Petitioners have submitted a detailed reply dated 29th September 2010. Apart from dealing with the show cause notice, in the reply, various other prayers including the prayer for extending the time prescribed by the agreement for completion of construction of the building on the plot subject matter of lease have been made. No order has been passed on the basis of the impugned show cause notice. As the Petition is directed only against the show cause notice, we need not keep this Petition pending and we pass the following order:

ORDER :

- (a) We direct the appropriate authority of the first Respondent to pass an appropriate order or to take appropriate decision on the show cause notice after taking into consideration the reply dated 29th September 2010 and prayers made therein;
- (b) Appropriate decision shall be taken on the impugned show cause notice dated 26th August 2010 within a period of two months from today;

- (c) We make it clear that all the contentions of the parties on merits of the impugned show cause notice and reply are kept open;
- (d) If the decision taken on the impugned show cause notice be adverse to the Petitioners, for a period of four weeks from the date on which the order is communicated to the Petitioners, the action of dispossession shall not be taken on the basis of the said decision;
- (e) It is obvious that if the decision be adverse to the Petitioners, they will be entitled to adopt appropriate proceedings in accordance with law;
- (f) The Petition is disposed of on above terms.

(V.L. ACHLIYA, J)

(A.S. OKA, J)

Certified to be true and correct copy of the original signed Judgment/Order.