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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.9465 OF 2014
WITH
CIVIL APPLICATION NO.2620 OF 2014
IN
WRIT PETITION NO.9465 OF 2014**

Indospace Rohan Industrial Park Pvt. Ltd.
(previously known as Rohan Realty Pvt.Ltd.) ...Petitioner

-Versus-

The State of Maharashtra & Ors. ..Respondents

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Mr. G. S. Godbole i/b. Ms. Manjiri Sharad Parasnis for the Petitioner.

Mr. V. S. Gokhale, AGP, for the Respondent Nos.1 to 6.

Mr. Uday P. Warunjikar a/w Siddhesh Pilankar for the Respondent
Nos.8(a) to 8(e).

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**CORAM: A. S. OKA AND
REVATI MOHITE DERE, JJ.**

DATE :- 24th JUNE 2015.

PC.:

Not on board. Taken on board.

2] Heard the learned counsel appearing for the petitioner. We have perused the affidavits/submissions dated 18.6.2015 filed by the respondent Nos.8(a) to 8(e). In the said affidavit, it is stated that the Additional Collector at Pune be directed to decide the Appeal filed by the petitioner within a stipulated time. Learned counsel for the respondent nos.8(a) to 8(e), on instructions, states that he has no objection if the

ad-interim order dated 14.10.2014 passed by the learned Single Judge of this Court in present petition is continued till the disposal of the Appeal before the Additional Collector. The learned counsel appearing for the petitioner submits that the ad-interim relief may be continued for a limited period after disposal of the Appeal. He seeks liberty to file a separate proceedings in accordance with law for seeking a relief which is claimed in Civil Application no.2620/2014. The learned counsel for the respondent nos.8(a) to 8(e) opposes the request made by the learned counsel for the petitioners for extending the ad-interim relief after the disposal of the pending Appeal.

3] Hence, we dispose of the petition by passing the following order:-

- (i) We direct the Additional Collector, Pune to decide the pending Appeal No.359/2014 as expeditiously as possible and, in any event, within a period of 3 months from the date fixed for appearance of the parties;
- (ii) We direct the petitioner and the respondent nos.8(a) to 8(e) to appear before the Appellate Authority (the Additional Collector, Pune) on Monday 6th July, 2015 at 11.00 a.m. for fixing the date for hearing of the appeal;
- (iii) Till the disposal of the appeal, ad-interim order dated 14.10.2014 passed by this Court shall continue to operate. The order passed on

the Appeal shall be communicated by the Appellate Authority to both the parties;

- (iv) In the event, the final order in Appeal be adverse to the petitioner, the aforesaid ad-interim order shall continue to operate for a period of 4 weeks from the date on which the communication of the order is served to the petitioner;
- (v) The pending appeal shall be decided on its own merits without being influenced by the impugned orders as well as by the ad-interim orders passed in this petition and the civil application therein;
- (vi) We grant liberty to the petitioner to take out appropriate proceedings in accordance with law for seeking the relief which is prayed for Civil Application No.2062/2014;
- (vii) Pending revision application before the Divisional Commissioner as well as the State Government filed by the petitioner do not survive.
- (viii) The petition is disposed of on above terms.
- (xi) All concerned to act upon authenticated copy of this order.

(REVATI MOHITE DERE,J.)

(A. S. OKA, J.)