

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

**CIVIL APPLICATION NO. 2139 OF 2016
IN
WRIT PETITION NO. 6267 OF 2014**

Saikumar Developers (India) Pvt. Ltd.

... Applicant.

V/s.

**City and Industrial Development Corporation
of Maharashtra Ltd (CIDCO) & Ors.**

... Respondents

Mr.M.S. Bhandari i/b Ms. Pranjali Bhandari for the Applicant.

Mr.Roopadaksha Basu i/b The Law Point for the Respondent No.1.

Mr. A.A. Alaspurkar, AGP for the Respondent No.2.

Mr. Vishal P. Shirke i/b Mr. Sandeep Marve for the Respondent No.3.

CORAM : A.S.OKA &

SMT. VIBHA KANKANWADI, JJ.

DATE : 07th JUNE, 2017

P.C.:

1 Heard the learned Counsel appearing for the Applicant, the learned Counsel appearing for the first Respondent and the learned AGP for the second Respondent. We also heard learned Counsel appearing for the third Respondent. The learned Counsel appearing for the first Respondent seeks time.

2 Our attention is invited to clause 5 of the interim order dated 27th May, 2005 passed in the main petition. Clause 5 reads thus:

“5. In the meanwhile, it will be open for the petitioners to accept the allotment of Plot No. 181, on the terms and conditions specified by the first Respondent. The Petitioners can accept the allotment, without prejudice and subject to final outcome of this petition. “

3 The first prayer in this application is for issuing a direction to the first Respondent/ City and Industrial Development Corporation of Maharashtra Limited to disclose the terms and conditions on which it is willing to offer allotment of Plot No. 181 to the Applicant. Considering the clause 5 of the interim order dated 27th July, 2015, this application need not be kept pending by granting time to the first Respondent. Accordingly, the application is disposed of by passing the following order:

- a) If the first Respondent is willing even today to offer Plot No. 181 to the Applicant, the first Respondent shall communicate to the Applicant or to Advocate for Applicant the terms and conditions on which the first Respondent is willing to offer Plot No. 181 to the Applicant. Such information shall be furnished to the Applicant within a period of three weeks from the date on which this order is uploaded;
- b) If the first Respondent is not willing now to offer the said plot to the Applicant, even communication to that effect shall be issued by the first Respondent to the Applicant within stipulated time;
- c) if the first Respondent is willing to offer Plot No.181 to the Applicant and if the Applicant is willing to take allotment of the said plot without prejudice to the rights and contention of the Applicant in the main Writ Petition, the first Respondent shall execute requisite documents in favour of the Applicant subject to the compliance of terms and conditions by the Applicant;
- d) Needless to add that on all compliances being made, the applicant shall be placed in possession of the said plot;
- e) Application is disposed of accordingly.

(SMT. VIBHA KANKANWADI, J.)

(A.S.OKA, J.)