

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.1458 OF 2017

Sai Siddhi Developers

... Petitioner

v/s

State of Maharashtra and others

... Respondents

Mr Chirag Balsara with Ms Neha Bhosale, Mr Abhay Arora i/b M/s NDB Law for Petitioner.

Mr P.K. Samdani, Sr. Counsel with Mr Shardul Singh, Mr Vishal Hegde for Respondent No.2.

Mr Rahul Sinha with Mr Samil Malik i/b M/s DSK Legal for Respondent No.3.

**CORAM : B.P. COLABAWALLA &
A.M. BADAR, JJ.
(VACATION BENCH)**

DATE : MAY 31, 2017

P.C.:

1. Leave to amend in terms of the draft amendment handed in. Amendment to be carried out forthwith.

2. By this Petition, the Petitioner makes a grievance that Respondent No.4 (High Power Committee) has vacated the ad-interim order granted by it on 5th May 2017. It is the case of the Petitioner

that though no written order has been passed vacating the ad-interim order, the same was informed to the Petitioner orally. It is the further case of the Petitioner that the matter has been finally heard by the High Power Committee and now has been reserved for judgment and parties were also granted liberty to file written submissions within a period of one week from 26th May 2017.

3. Mr Balsara, learned counsel appearing on behalf of the Petitioner vehemently argued that it was highly unfair of High Power Committee to vacate the ad-interim order when the matter was reserved for judgment. It ought to have continued the ad-interim order till the final decision. There was no reason for vacating the ad-interim order and in fact the same was informed to the Petitioner orally. He therefore submitted that it was incumbent upon us to continue the ad-interim order passed on 5th May 2017 till the High Power Committee pronounces its final decision.

4. On the other hand, Mr Samdani, learned Sr. Counsel appearing on behalf of Respondent No.2 submitted that the ad-interim status-quo order granted by the High Power Committee on 5th

May 2017 was only upto the next date of hearing. The next date of hearing was 26th May 2017 on which day the High Power Committee did not continue the ad-interim status-quo order and in these circumstances, we should therefore not continue the same.

5. Having heard the learned counsel for the parties, we think that the High Power Committee was prima facie not justified in vacating its ad-interim order in its entirety. We agree with Mr Samdani that an order of status-quo is too wide, but even then the High Power Committee, in our opinion, ought to have moulded the relief to ensure that both the sides are protected. In this view of the matter, we pass the following directions :-

- “(a) The Respondent No.3 – Slum Rehabilitation Authority can proceed to grant a Letter of Intent (LOI) to the new developer appointed by Respondent No.2 after complying with the due process of law.
- (b) The new developer in whose favour the LOI may be issued shall not claim any equity on the basis that the LOI has been issued in its favour.
- (c) It is further made clear that no actual work shall be done by the new developer till the High Power Committee gives its final decision on the Appeal filed by the Petitioner.

- (d) We request the High Power Committee to pronounce its decision within a period of six weeks from today.
 - (e) Needless to clarify that all contentions raised by all parties are kept open which can be agitated by them in appropriate proceedings.”
6. Respondent No.3 is granted liberty to file his Vakalatnama.
7. Re-verification is dispensed with.
8. With these directions, Writ Petition is disposed of.

(A.M. BADAR, J.)

(B.P. COLABAWALLA, J.)