

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.1597 OF 2016

Deshmukh Builders Pvt. Ltd. through
its Director Mohan Deshmukh ...Petitioners

Versus

The Mumbai Metropolitan Regional
Development Authority (formerly
known as BMRDA) & Ors. ...Respondents

.....

Mr. G.S. Godbole i/b. Mr. Y.R. Shah for the Petitioners.
Mr. K.R. Trivedi, AGP for the Respondent -State.
Ms Kiran Bagalia for the Respondent -MMRDA.

**CORAM : RANJIT MORE AND
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED : 19th DECEMBER, 2017.

P.C. :-

Heard Mr. G.S. Godbole, learned counsel for the Petitioner and Ms Kiran Bagalia for the Respondent -MMRDA. By this Petition, the Petitioner is challenging the demand order issued by the MMRDA dated 30th April, 2015. By the said order the Petitioner is directed to deposit an amount of Rs.8,18,06,400/-.

2. Mr. Godbole, the learned counsel for the Petitioner submits that before issuing this demand order neither the Petitioner was given

any notice nor opportunity of hearing was given to him. This fact is not disputed by Ms Bagalia, the learned counsel for the Respondent -MMRDA.

3. In the above circumstances, in our considered view, the impugned demand notice cannot be sustained as being violative of principle of natural justice and the same is quashed and set aside. The Writ Petition stands disposed of.

4. The Respondent-MMRDA to take appropriate decision in the matter after issuing notice to the Petitioner.

5. It is made clear that we have not gone into the other contentions of the Petitioner raised in the Petition and the same are expressly kept open.

(SMT. ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)