

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5122 OF 2018

Hindustan Antibiotics Limited

...Petitioner

vs.

Maharashtra Housing and Area Development
Authority (MHADA) and Others

...Respondents

Mr. D. Ray Choudhari, Sr. Advocate i/b. D.G. Dhanure, for the
Petitioner

Mr.P.G. Lad a/w. Ms. Aparna Muralidharan and Ms. Sayli Apte, for
Respondents.

**CORAM : SHANTANU KEMKAR &
N. W. SAMBRE, JJ.**

DATE : JULY 06, 2018

P.C.:

. Through this Petition filed under Article 226 of the
Constitution of India, the Petitioner is seeking following reliefs.

(a) Rule may be granted.

(b) This Court be pleased to issue a writ of mandamus or any other writ, direction and/or other writ, direction and/or order in like nature thereto direct the Respondent Nos. 1 to 3 to immediately complete the sale and purchase of the land i.e. Plot Nos. 8 and Plot No. 9 as tendered by the Petitioner by inviting offer and acceptance of the bids made by the Respondent No. 2 in respect of such offer being tender document at Exh. A and Exh. B to this Petition.

(c) This Court be pleased to issue a writ of mandamus or any other writ, direction and/or other writ, direction and/or order in like nature thereto direct the Respondent Nos. 1 to 3 to pay the sale price of the said lands i.e. Plot Nos. 8 and 9 to the Petitioner as per bids submitted by Respondent No. 2 within a specified date as the workman officers/ employees are starving due to inaction of the Respondent Nos. 1 to 3.

(d) Pending the hearing and final disposal of the above Petition, this Court may please to direct the Respondent Nos. 1 to 3 to deposit in this Court the entire sale consideration amount in respect of lands i.e. Plot Nos. 8 and 9.

(e) After depositing the sale consideration amount before this Court as per prayer clause (d), this Court may be further pleased to permit the Petitioner to withdraw such deposits upon such terms and condition/security as this Court may deem fit and proper.

(f) AD-interim relief in terms of prayer clause (d) be granted.

2. Having considered the submissions made by the learned counsel for the Petitioner and the Respondents, it is clear that the Petitioner is seeking specific performance of the alleged acceptance of the Bid submitted by the Respondent Nos. 1 to 3 and is seeking direction against them to complete the execution of sale and purchase of plot Nos. 8 and 9.

3. In our considered view, for the reliefs as claimed in the Writ Petition, the Petitioner is required to approach the Civil Court for specific performance of the contract. In the result, we decline interference in the matter.

4. The Petition is dismissed as such.

5. No order as to the costs.

(N.W. SAMBRE, J.)

(SHANTANU KEMKAR, J.)

Vishal Parekar

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