

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

WRIT PETITION (L) NO. 3915 OF 2018

M/s. Godrej and Boyce Mfg. Co. Ltd.	}	
	}	Petitioner
versus		
State of Maharashtra and Ors.	}	
	}	Respondents

Mr. Prasad Dani-Senior Advocate with
Mr.Amit Kolekar I/b. Mr. Tejas Deshmukh
for the petitioner.

Mr. H. B. Takke-AGP for State.

**CORAM :- S. C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.**

DATE :- NOVEMBER 26, 2018

P.C. :-

1. Mentioned. Not on Board.

2. It was informed by Mr. Deshmukh in the morning session that the Bench presided over by Hon'ble Mr. Justice A. S. Oka cannot take up this matter. It has been removed from His Lordship's Board. In the light of the urgency expressed by Mr.Deshmukh, we have allowed the papers to be produced today post lunch. Having heard Mr. Dani and the learned AGP appearing for the respondents so also with their consent, we dispose of this petition.

3. Admittedly, the revision application is pending before the State Government. Further, a stay application therein is also pending. It is stated that in the teeth of this, the notice of resumption has been issued for alleged non adherence to the demand. We are of the firm opinion that if the demand is contested and the proceedings in that behalf are pending, then, the statutory scheme cannot be ignored by the authority. In the scheme of the statute, a revision application to be heard on merits necessitates compliance with the demand to the extent of 25%. That has to be secured and then the revision application can be heard and disposed of on merits.

4. In view thereof, on the petitioner's depositing a sum equivalent to 25% of the demanded amount within a period of four weeks from today, there would be a stay against recovery of the balance under the demand notice, pending the hearing and final disposal of the revision application. In the event there is a default, all consequences in law shall follow. For a period of four weeks, no coercive steps shall be taken by the State Government and its officials, including to resume the land. Needless to clarify that if the compliance is made, no such steps shall be taken during the pendency of the revision application as well. Since it is stated that a substantial sum has been deposited pursuant to the order

of this court, the requirement of depositing 25% under the statute should be considered as having adjusted against the amount already lying deposited with the Government.

5. With the aforesaid directions, the writ petition is disposed of.

(SMT. BHARATI H. DANGRE, J.)

(S.C.DHARMADHIKARI, J.)