

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3835 OF 2019

M/s. Prajapati Developers ... Petitioner

Versus

The City Industrial Development Corporation
of Mah. Ltd. (CIDCO) and Ors. ... Respondents

Mr. Ankit Lohiya a/w Mr. Swapnil Ambure i/by M/s. Dinesh Tiwari &
Associates for the petitioner.

Ms. M.S. Srivastava, AGP for the State.

Mr. B.B.Sharma for respondent nos. 1 to 5.

CORAM : B.P. DHARMADHIKARI &
SANDEEP KASHINATH SHINDE, JJ.
DATE : SEPTEMBER 20, 2019

P.C.:

Heard for some time.

2. Petitioner is not in a position to show any cause of action. However, we find that the petitioner has sought extension after the expiry of initial period of four years and the agreement permits such extension. That request has still not been either granted or rejected.

3. Counsel for respondent nos.1 to 5 submits that such request can be entertained only if the additional lease premium

is paid. Petitioner has till date not offered to pay the same. On the contrary, petitioner has filed a suit disputing the said premium.

4. It is open to respondent to take decision either way on the request for extension.

5. We therefore, direct the petitioner to appear before respondent no. 3 and respondent no. 3 thereafter may direct him to approach the appropriate authority. Petitioner shall appear before respondent no. 3 for this purpose on 14/10/2019.

6. After petitioner appears before respondent no. 3, suitable decision on his representation for extension shall be taken within next eight weeks by the competent authority.

7. With these directions and keeping all rival contentions open, we dispose of the present petition.

(SANDEEP KASHINATH SHINDE, J.)

(B.P. DHARMADHIKARI, J.)