

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5950 OF 2014

New Bombay Merchants Common
Warehouse Limited.

...Petitioner

vs.

The State of Maharashtra
Through Urban Development
Department and Anr.

...Respondents

Mr. Mayur Khandeparkar, with Mr. Farid Karachiwala with Ms.
Hemangi Abhyankar I/b. J. Sagar Associates for the petitioner.
Mr. Darshit Jain, Counsel a/w. Ms. Subhashree Chattarjee, I/b.
M/s. Manilal Kher Ambalal & Co. for intervenor.
Ms. K.N. Solunke, AGP for respondent No.1/State.

**CORAM : B. P. DHARMADHIKARI &
SANDEEP KASHINATH SHINDE, JJ.**

DATE : 04/09/2019.

P.C.:

We have heard respective counsel at some length on last date and thereafter this Court felt that before proceedings further, the dispute about nature of allotment in favour of petitioner by respondent No.2 CIDCO needed to be ascertained.

2. It appears that if initial allotment is at the concessional rate, different set of terms and conditions applied and in case of default, a renewal therefore, attracts higher rate / penalty.

3. If there is no such concession extended at the stage of initial allotment, the renewal does not attract such higher rate.

4. The basic issue, therefore, is whether petitioner, who has a warehouse got the subject plot at a concessional rate under some scheme or he has got it at the market rate.

5. The Learned Counsel for respondent No.2 upon instructions has stated that after hearing the petitioner and proposed intervenor, respondent No.2 will re-consider this aspect on the basis of available material after giving petitioner necessary opportunity.

6. In the situation, leaving all other contentions and prayers open, we permit respondent No.2 to complete this

exercise within three months from today. We direct petitioner to contact concerned authority of respondent No.2 on 16/09/2019 for seeking a date of appearance.

7. With these directions, petition is disposed of.

(SANDEEP KASHINATH SHINDE, J.)(B. P. DHARMADHIKARI, J.)