

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

WRIT PETITION NO. 165 OF 2019

The Oriental Insurance Company Ltd. & Anr. ...Petitioners
vs
The State of Maharashtra & Ors. ...Respondents

Mr.V.Y. Sanglikar for Petitioners.
Mr.Kedar Dighe, AGP for Respondents.

CORAM : S.C.GUPTE, J.

DATE : 26 MARCH 2019

P.C. :

Rule. Rule taken up for hearing forthwith by consent of counsel.

2 The challenge in this petition is to a demand made by the collector of Mumbai on 31 October 2018 for a sum of about Rs.3.10 crores as a condition for issue of NOC for registration of a proposed lease of certain premises in a building owned by the Petitioners herein in favour of its sister concern, General Insurance Corporation of India Ltd. The record of the case produced with the petition indicates that the impugned order was passed by the collector insisting on premium as a condition for NOC requested by the Petitioners without hearing the Petitioners. It is debatable whether the provisions of Section 37A of Maharashtra Land Revenue Code, 1966 apply to the facts of the Petitioners' case. So also, the question of any premium to be charged for the requisite NOC in this behalf, is also open to debate. In the premises, the collector is bound to hear the Petitioners before any order is passed.

3 In the premises, the order dated 31 October 2018 is quashed and set aside. The collector is directed to hear the Petitioners in the matter of their application for the collector's NOC for registration of the lease. The Petitioners shall make a representation in this behalf to the collector of Mumbai within a period of three weeks from today. The collector shall also give a personal hearing to the Petitioners before passing any order on their application for NOC and pass an appropriate order on their application within a period of six weeks of the receipt of the Petitioners' representation.

4 Rule is accordingly made absolute and the petition is disposed of in the above terms.

(S.C. GUPTE, J.)