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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2004 OF 2019

Runwal Erector Pvt. Ltd.

...Petitioner

Vs.

The State of Maharashtra & Ors.

...Respondents

Mr. C.M. Korde, Senior Counsel, B.V. Mahadik, Shashi Kumar, Priyanka Patil, D.L. Vairagade and Mr. Govardhan Kamble for the Petitioner.

Mr. B.V. Samant, AGP for State (Respondent Nos.1 and 2).

Mr. Keval Arya, i/b. Vishwanath Patil, for Respondent Nos. 3 and 4.

Geetanjali Shirke, Deputy Collector, Urban Land Ceiling Officer, Pune.

CORAM: S.C. DHARMADHIKARI &
R.I. CHAGLA, JJ.

ORDER RESERVED ON 13TH JANUARY, 2020.

ORDER PRONOUNCED ON 23RD JANUARY, 2020.

ORDER (Per R.I. Chagla, J.)

1. The Petitioner seeks leave to carry out amendment to the Petition to challenge the subsequent order dated 8th / 9th January, 2020 passed by the Collector and Competent Authority. Leave is granted. Amendment shall be carried out forthwith.

2. Rule. Rule made returnable forthwith. Heard by consent.

3. The present Writ Petition is filed under Article 226 of the Constitution of India seeking direction against Respondent No.1 – State to forthwith consider and decide the application preferred by the present Petitioner dated 3rd February, 2016 for grant of extension of the exemption order dated 20th January, 2005 passed under Section 20 (1) (a) of the Urban Land (Ceiling and Regulation) Act, 1976 (for short “**ULC Act**”). The Petition also challenges the order dated 17th November, 2018 passed by the Respondent No.4 imposing the condition of getting extension of the exemption order for the purpose of granting sanction to the development proposal submitted by the Petitioner dated 31st October, 2018.

4. The Petition has thereafter been amended to challenge the communication dated 10th December, 2019 from the office of Respondent No.2 as well as the prior communication dated 18th October, 2019 issued by Respondent No.1 to Respondent No.2. By a further amendment which is now permitted to be carried out, the Petitioner also challenges order dated 8th / 9th January, 2020 passed by the Collector and Competent Authority, Pune. The Petition has sought the setting aside of the said communications

and the impugned order passed by the Collector and Competent Authority, Pune.

5. The Petitioner is Private Limited Company incorporated under the provisions of Companies Act, 1956 having its registered office at Pune as mentioned in the cause title of the Petition. The Petition has been filed through its Managing Director Mr. Pradeep Amrutlal Runwal. The Respondent No.1 is the State of Maharashtra through its Secretary, Urban Development Department. Respondent No.2 is the Additional Collector-cum-Competent Authority, Pune under the provisions of the ULC Act. Respondent No.3 is the Municipal Corporation of Pune established under the provision of the Maharashtra Municipal Corporation Act, 1949. Respondent No.3 is also the Planning Authority as contemplated by the provisions of the Maharashtra Regional Town Planning Act, 1966 and has overall control over the development and planning in the area within its municipal limits. Respondent No.4 is the Deputy Engineer, Development Proposal, Division Zone No.5 of the Respondent No.3 Corporation.

6. The subject matter of the present Petition pertains to landed property bearing Survey No.153A/1 to 4/1/1 and Survey No.153/A/

1 to 4/1 situate at village Hadapsar, Pune and especially an area admeasuring 9600.4 sq.meters out of the said land. The Petition describes the land bearing survey No. 153A/1 to 4/1/1 and Survey No.153/A/1 to 4/1 as the larger property and an area admeasuring 9600.4 Sq. meters as “the said property”. By the present the Petition the Petitioner has sought relief in respect of the said property.

7. The Petition states that one Baburaoji Tupe was the owner of the larger property. In the year 1976, the said Baburaoji Tupe filed return under Section 6 of the ULC Act, 1976. Pursuant to the said return filed the Deputy Collector and the Competent Authority, Pune Agglomeration, was pleased to pass order dated 27th October, 1988 declaring the area admeasuring 80408.38 Sq. metres as surplus and directed that final statement under Section 9 along with notification under Section 10(1) of the said Act should be prepared. It is stated that the owner through its Power of Attorney made an application on 2nd January, 2000 for correction in the said order. On 24th November, 2000, the Competent Authority modified the said order dated 27th October, 1988 and hence the surplus land would be to the extent of 46230.07 sq. mtrs in survey no. 153A of village Hadapsar, Pune.

8. The Development Agreements dated 26th May, 2003 and 8th November, 2003 in favour of the present Petitioners was in respect of the said property admeasuring 9600.4 sq. meters out of the larger property. The Development Agreements were duly registered in the office of Sub Registrar of Assurances at Haveli No.3. Pursuant to irrevocable Power of Attorneys dated 26th May, 2003 and 8th November, 2003 executed by the owner in favour of the Petitioner, the Petitioner as Constituted Attorney of the owner made an application for exemption in respect of the land bearing survey no.153A/1 to 4/1/1 and Survey No.153/A/1 to 4/1 under the provisions of the ULC Act. The Additional Secretary, State of Maharashtra passed an order dated 20th January, 2005, under Section 20(1) (a) of the ULC Act thereby granting exemption in respect of excess land admeasuring 9600.4 sq. mtrs. As per the exemption order, the said property was allowed to be developed as per reservation of the Corporation and the Development Control Regulations of the Corporation, after obtaining due sanction. As per the exemption order, the construction work was to be commenced within a period of one year from the date of the order and was to be completed within a period of five years.

9. Thereafter, it is stated that the Petitioners applied to Respondent No.3 Corporation with a building proposal and the Respondent No.3 Corporation sanctioned the plans and issued Commencement Certificate on 17th March, 2005. There were further revised plans submitted and the Corporation issued revised commencement certificates dated 27th July, 2005 and 9th July, 2007.

10. The Petitioner made an application to the Collector, Pune under the provisions of the Maharashtra Land Revenue Code, 1966 for obtaining N.A. permission and the learned Collector, Pune by its order dated 7th March, 2008 granting permission on certain terms and conditions. As per the terms and conditions, the construction was to be started within a period of one year from the date of the order of exemption passed under Section 20(1) (a) of the ULC Act. The Petitioner complied with the said condition, as the construction work was commenced within the said period of one year from the date of passing of the said order.

11. It is then stated in the Petition that the Petitioner faced severe financial crisis. As a result of which, the Petitioner could not complete the project in terms of the ULC exemption granted

by the Additional Secretary, State of Maharashtra within a period of five years as per the conditions contained in the exemption order dated 20th January, 2005 passed under the ULC Act. The Petition further states that from the year 2008 onwards till 2015 – 16, the Petitioner could not take any action to complete the project on account of the financial crisis. It is then stated that in and around the year 2016 as the Petitioner's financial condition recovered, the Petitioner decided to apply for extension of the exemption order passed under the ULC Act and to complete the project. An application was made by the Petitioner on 3rd February, 2016 before Respondent No.1 seeking extension of three years to complete the project. Since there was no response received in respect of extension, the Petitioner on 21st October, 2016 submitted an application / letter in respect of extension of the said order dated 20th January, 2005.

12. The Petition further states that the Petitioner simultaneously submitted a revised layout of the project before the Respondent No.3 – Corporation and the Corporation was pleased to grant sanction and issued commencement certificate dated 6th March, 2017. The Petitioner thereafter, submitted development plan to Respondent No.3 – Corporation on 31st October, 2018. The

Respondent Corporation instead of sanctioning the development plans, issued to the Petitioner a communication / order 17th November, 2018. By the said order, the Respondent No.3 Corporation imposed conditions including Condition No.20 which provided that, it was necessary to submit an extension of the exemption order dated 20th January, 2005 passed under the ULC Act. The Respondent No.3 – Corporation refused to process the development proposal submitted by the Petitioner only on this condition. It is further stated in the impugned order that only after compliance of the aforesaid condition and till such sanction is granted, no further construction can be done.

13. The Petition states that the Petitioner learnt that its application before the Respondent Nos.1 and 2 for extension of the exemption order under ULC Act was kept pending in view of the orders passed by this Court in Criminal PIL No.6 of 2008 and also the order passed by the Supreme Court in SLP challenging the order of this Court in the said Criminal PIL. It is stated that the Criminal PIL was filed in this Court regarding certain orders passed by the authorities under the ULC Act on ground that these orders are passed on the basis of fake and fabricated documents. This Court appointed a one man committee to submit his report.

The one man committee has submitted his final report before this Court and classified the cases scrutinized by the Committee into six categories. Annexure I of the Report deals with 29 cases, wherein fake, fabricated and forged documents were submitted. Annexure II of the Report deals with 19 orders passed by the then Minister of State for Urban Development Department. Annexure III of the Report contains 45 illegal or irregular orders passed by the Competent Authority or Appellate Authority. Annexure IV contains list of 97 cases in which, no illegality or irregularity were noticed. Annexure V contains list of 3 cases, which were outside the purview of the Committee. Annexure VI is regarding the cases in which no records was made available to the Committee. It is then stated in the Petition that this Court passed an order in the said Criminal PIL No.6 of 2008 on 22nd February, 2011 directing the constitution of a Special Investigation Team (“S.I.T”). Further direction was issued that the ongoing investigation in 29 C.R. which were already registered with the Economic Offence Wing (“E.O.W”.) State CID, Wing, Pune, be transferred to the S.I.T., CBI by the concerned offices, as soon as S.I.T. is formed. This order dated 22nd February, 2011 passed by this Court is the subject matter of challenge before the Supreme Court by filing the Special Leave Petition and the Supreme Court by order dated 1st March,

2011 granted stay to the effect and / or operation of the said Order.

14. The Petition states that as far as the said property is concerned the exemption order passed in respect thereof falls in Annexure VI category i.e. 97 cases, in which no illegalities or irregularities were noticed by the one man committee appointed by this Court. It is stated that there was no direction in respect of the 97 cases found in Annexure – IV and, therefore, neither the order passed by this Court in the said Criminal PIL nor the said order passed by the Supreme Court in the SLP has any bearing in respect of the 97 cases which includes the said property falling in Annexure IV.

15. The Petitioner being aggrieved by the impugned inaction on the part of the Respondent Nos.1 and 2 in not deciding the application dated 3rd February, 2016 for extension of exemption order dated 20th January, 2005 on account of the application being kept pending, as also being dissatisfied by the impugned order dated 17th November, 2018 by which the Respondent No.4 was not processing the development proposal submitted by the Petitioner on the ground of non-submission of the extension of the

exemption order passed under Section 20(1) (a) of the ULC Act has filed the original Petition.

16. An Affidavit in Reply has been filed to the Petition by the Collector and Competent Authority, Pune Agglomeration Pune, District Pune on behalf of Respondent Nos. 1 and 2. In paragraphs 4 and 5 of the Reply the said Collector and Competent Authority has stated thus:-

“4. I say that, in that behalf the State Government by its letter dated 18.10.2019 has given directions to this office that the extension sought by the Petitioner under Section 20 of the Urban Land Ceiling Act cannot be granted in view of the pendency of the Special Leave Petition No.2404 of 2011 before the Hon’ble Supreme Court. Hereto annexed and marked as Exhibit 1 is the copy of the Order dated 18.10.2019.”

“5. Accordingly the office of the Collector and Competent Authority Pune on letter dated 10.12.2019 informed the Petitioner regarding the same and accordingly the application of the Petitioner could not be granted. Hereto annexed and marked as Exhibit 2 is the copy of the letter dated 10.12.2019 of the office of the Collector and Competent Authority Pune.

17. It has thus been stated that in view of the directions given by the State Government to the Collector and Competent Authority the extension sought by the Petitioner under Section 20 of the ULC Act cannot be granted in view of the pending SLP No.2404 of

2011 before the Supreme Court. The Affidavit further refers to and annexes an order dated 15th July, 2019 passed by the Supreme Court which has stayed the judgment dated 6th June, 2017 passed by this Court in Writ Petition No.7050 of 2014 relied upon by the Petitioner in the amended Petition.

18. An Affidavit in Rejoinder has been filed by the Petitioner wherein the Petitioner has stated that the fact in the present case are materially different and much stronger than the facts in the Writ Petition 7050 of 2014. The Petitioner has stated that in that case it was alleged that the order dated 6th December, 2000 passed under the provisions of Section 8 (1) of the ULC Act had been fabricated. The allegation therein was that the order was forged and the names of 53 land holders including the names of the Petitioners in that case were mentioned. An offence was registered with the Deccan Gymkhana Police Station in C.R. No. 622 of 2006. In the judgment this Court held that the mere inclusion of the Petitioner's land by description and in the fabricated document without *prima facie* evidence of the Petitioner's complicity will not justify denying the Petitioner's right accruing by virtue of the repeal of the ULCRA Act. It was stated in the judgment of this Court that the pendency of the complaint and

the trial will not justify denying the Petitioners their right accruing by virtue of repeal of ULCRA. Thus the stay granted by the Supreme Court which has been relied upon by the Collector and Competent Authority in the reply will have no bearing in the present case as there is no criminal complaint instituted in respect of the said property or against the present Petitioner or the owner of the land in respect of the said lands. The one Man Committee headed by Shri Sudhakar V. Joshi, IAS (Retired) which considered the various cases where exemption orders had been passed under the ULC Act clearly held that no irregularity or illegality appears to have been committed by the ULC Office in respect of the said property or the owners thereof. The Petitioner has in the Affidavit in Rejoinder stated in paragraphs 5 and 6 thus:

"5. I further say that the project of the Petitioners known as "Runwal Regalia" is a project for construction of a commercial building consisting of 2 parking floors + 11 upper floors on the land which is the subject matter of the said exemption order under the ULC Act (Exhibit "A" to the Petition). Construction has proceeded upto the stage of RCC work for 2 parking floors and 3 upper floors. Hereto annexed and marked as Exhibits "6", "7" and "8" are photographs showing the stage which the construction work had reached as on 17.11.2018 i.e. the date when the order dated 17.11.2018 (Exhibit "K" at page 40 of the Petition) was passed by the Corporation directing the Petitioner to obtain extension of the exemption order under Section 20 of the ULC Act and further directing that till then, no further construction should be undertaken. After the date of the said order,

the Petitioner has not undertaken any construction work in respect of the said project of "Runwal Regalia". The entire project is at a standstill. This is causing huge loss and prejudice to the Petitioner.

"6. The Petitioner has already spent an amount of Rs.42.61 crores on the said project till date, as per the Books of Accounts of the Petitioner. If the Petitioner is not permitted to proceed with the said construction, the Petitioner will be financially ruined. If the consideration of the application for extension of the exemption order is deferred till the outcome of the proceedings in the Supreme Court i.e. the Special Leave Petition (Civil) Diary Nos.12248 of 2019 or Special Leave Petition No.2404 of 2011, by that time, this project would die a natural death. The Petitioner cannot afford to wait any more.

19. The present Petition had come up on 12th December, 2019. In the order passed it was recorded that the Petition was to be disposed of as the Petitioner was seeking a direction to the Respondents to consider a pending application. A draft of the proposed amendment handed in was taken on record and to avoid multiplicity of litigation and to render complete justice, leave was granted to amend. The draft amendment which now forms part of the amended Petition referred to three judgments / orders of this Court. The submission of the Mr. Korde, Senior Counsel for the Petitioner was recorded in the said order that in view of the said three judgment / orders of this Court, the impugned communication dated 10th December, 2019 as also the prior

communication dated 18th December, 2019 would not survive. Mr. Samant, the learned AGP for Respondent Nos. 1 and 2 submitted that the Affidavit of the District Collector would be filed explaining why the impugned communications are still being issued when the three orders of this Court concern the very urban agglomeration lands and schemes in relation thereto. Thereafter, the matter had come up on 6th January, 2020 when the learned Senior Counsel for the Petitioner had sought time to file Rejoinder in order to deal with the Affidavit in Reply which had just been filed. The one man committee report was also to be produced by the Petitioner. This Court was informed that the Collector of Pune District though a Competent Authority who takes all decisions under the repealed ULC Act, 1976 is feeling inhibited on account of a communication from the Government dated 18th October, 2019. This Court opined that the Collector must realize that he is the Competent Authority and not even the Government or the Secretary in the Department can control or regulate his discretionary powers. He is the Competent Authority and must take an independent and informed decision. If he is unwilling to do so, he should personally attend this Court on 13th January, 2020 and give an explanation for the same. However, instead of Collector taking an independent and informed decision, the impugned order dated 8th / 9th

January, 2020, came to be passed, wherein the only reason given by the Collector and Competent Authority, Pune in the said order for not considering the application for extension of the exemption order is that the Special Leave Petition No.2404 of 2011 is pending in the Supreme Court. It is stated in the impugned order that since the report of the one man committee is the subject matter of those proceedings and the SLP is pending in relation thereto, it would not be proper in the present situation to give extension to the exemption order under Section 20 of the ULC Act until the final decision of the Supreme Court.

20. The learned Senior Counsel appearing for the Petitioner has submitted that the order passed by this Court as well as the order passed by the Supreme Court in the Criminal PIL would not come in the way of deciding the application seeking extension to the exemption order passed under Section 20 (1) (a) of the ULC Act in relation to the said property which falls in Annexure IV of the report submitted by the one man committee and being the cases where there are no irregularities and illegalities noticed. He has submitted that the order of the Supreme Court granting stay to the order of this Court dated 22nd February, 2011 would have no bearing insofar as cases where there are no illegalities or

irregularities such as in the present case of the said property which forms the subject matter of the Petition. He has submitted that the State as well as the Collector and Competent Authority is completely in error in not processing the application filed by the Petitioner seeking extension of the exemption order. He has further submitted that the order passed by the Respondent – Corporation refusing to process the development proposal submitted by the Petitioner and imposing a condition that the order of extension of the exemption order is required to be submitted is erroneous and not sustainable. This considering that the commencement certificate has been issued by the Respondent – Corporation in the year 2017, wherein admittedly the Corporation did not impose any such condition. The Petitioner had already commenced construction and two parking floors plus three upper floors had already been constructed. He has thus submitted that the impugned order dated 17th November, 2018 is arbitrary and unreasonable.

21. He has also relied upon the decisions of this Court in the case of *Shri Anil Nemichand Bafna and Ors. Vs. The Collector, Pune and Ors.*¹, *Mr. Kantilal Nathmal Baldota & Ors. Vs. The*

1 Writ Petition No.3695 of 2014 decided on 3rd July, 2015.

Collector, Pune and Ors.² and Savita Narsing Tupe & Ors. Vs. State of Maharashtra & Ors.³. He has submitted that the impugned communication dated 10th December, 2019 from the office of Respondent No.2 and the prior communication dated 18th October, 2019, issued by Respondent No.1 to Respondent No.2 are contrary to the principles laid down in the above decisions. He has further submitted that the Respondent No.2 has in the impugned order dated 8th / 9th January, 2020 given as the only reason for not considering the application for extension of the exemption order viz. that the SLP No.2404 of 2011 is pending in the Supreme Court and till the said SLP is decided, it would not be proper to grant extension of the said Order. The keeping of the Petitioner's application for extension of exemption order pending till the SLP is finally decided is totally arbitrary, unjust and unreasonable. He has accordingly submitted that this Petition be made absolute. He has submitted that the Respondent No.1 be directed to consider the Petitioner's application for extension of the exemption order dated 20th January, 2005 and decide the same in accordance with law.

2 Writ Petition No,5871 of 2014 decided on 2nd September, 2015.

3 Writ Petition Nos.7050 of 2014 and 7659 of 2016 decided on 6th June, 2017.

22. Having considered the above submissions, it appears that the application seeking extension of the exemption order dated 20th January, 2005 under Section 20(1) (a) of the ULC Act has not been entertained on the ground that the SPL No.2404 of 2011 is pending in the Supreme Court and till the SLP is decided, it would not be proper for the Collector and Competent Authority to grant extension of the exemption order. This appears to be the only reason provided in the impugned order dated 8th / 9th January, 2020 for not considering the application for extension of the said exemption order.

23. It is observed that in the one man committee report the said properly which forms the subject matter of this Petition falls in the category i.e. Annexure IV which contains list of 97 cases in which no illegalities or irregularities have been noticed. Whereas the Criminal PIL which had been filed in this Court from which the said SLP No. 2404 of 2011 is pending in the Supreme Court pertains to those cases where the ongoing investigation into 29 CRs which were already registered by the E.O.W., State CID, Pune and which had been transferred to the S.I.T. as soon as it was formed. The order of this Court which had directed the constitution of the S.I.T. and transferred all these matters to the S.I.T. is the subject

matter of challenge before the Supreme Court and where stay had been granted by the Supreme Court. This has nothing to do with cases where there are no illegalities or irregularities noticed which includes the case of the said property. There was accordingly, no impediment for the State Government to process the application filed by the Petitioner seeking extension of three years of the exemption order which had been passed under the ULC Act.

24. The decisions of the Division Bench of this Court relied upon by the Petitioner also support the case of the Petitioner. The issue before the Division Bench of this Court in Writ Petition No.3695 of 2014 as well as Writ Petition No.1708 of 2015 was with regard to applications made for NA permission under the provisions of the Land Revenue Code. The applications were made by the Applicants / Petitioners therein for the purpose of grant of NA permissions in respect of the lands which were covered by Annexure III of the said Report i.e. 45 illegal or irregular orders passed by the Competent Authority or Appellate Authority and which Report had been submitted by the one man committee. The applications had been kept pending on the pretext that those applications were to be considered only after the SLP pending before the Supreme Court is finally disposed of. This

Court considered the order passed by this Court in Criminal PIL No.6 of 2008 as also the order passed by the Supreme Court in the said SLP and held that these orders would not come in the way of competent authorities taking action in those cases where the orders were found to be merely irregular. This Court by disposing of these Petitions directed the Competent Authorities to consider the application for grant of NA permission and to decide the same in accordance with law. This Court further directed that these applications shall not be rejected on the ground of pendency of the SLP or the land being included in Annexure III as per the Report of the one man committee. Although, the decision of this Court relied upon by the Petitioner viz. the judgment dated 6th June, 2017 in Writ Petition No.7050 of 2014 has been stayed by the Supreme Court vide order dated 15th July, 2019, the facts in that case were materially different from the present case as it concerned the allegation of the exemption order being fabricated.

25. The present case is on a much stronger footing as the said property forming the subject matter of the Petition falls in Annexure IV of the Report of the one man committee viz. cases where there have been no irregularities or illegalities noticed. Thus, the mere pendency of the SLP in the Criminal PIL or a stay

granted by the Supreme Court would not come in the way of the Collector and Competent Authority considering on merits the Petitioner's application for extension of exemption order dated 20th January, 2005 and deciding the same in accordance with law.

26. We find that the reason given in the impugned order of pendency of this SLP No.2404 of 2011 for keeping the Petitioner's application for extension of exemption order pending is arbitrary and perverse. The impugned order / decision taken by the Collector and Competent Authority was only after this Court had observed that the Collector and Competent Authority, Pune had felt inhibited from taking a decision on account of the communication from the Government dated 18th October, 2019. It had been opined by this Court that the Collector must realize that he is the Competent Authority and not even the Government or the Secretary in the Department can control or regulate his discretionary powers. As the Competent Authority he must take an independent and informed decision. It is surprising that even after these observations of this Court, the Collector and Competent Authority has come out with the impugned order dated 9th January, 2020 which on the face of it displays a failure to take an independent and informed decision. The impugned order further

shows that the Collector and Competent Authority has failed to exercise his discretionary power and in fact has only acted under the directions of the State Government contained in the impugned communication dated 18th October, 2019 which itself states that the application for extension of the exemption order sought by the Petitioner under Section 20 of the ULC Act cannot be granted in view of pendency of the SLP No.2404 of 2011 before the Supreme Court. The impugned order is no different from what was communicated to the Petitioner by the impugned communication dated 10th December, 2019 viz. the said directions of the State Government. In view of the finding that the said SLP before Supreme Court has no bearing on the present case, the impugned communications and the impugned order are required to be quashed and set aside.

27. Considering that the Petitioner had applied for extension of the exemption order dated 20th January, 2005 and which shall be considered by the Respondent Nos.1 and 2, in accordance with law, the prayer directing withdrawal and / or setting aside of the impugned order dated 17th November, 2018 is not granted. We make it clear that the application of the Petitioner for extension of the exemption order shall be considered by the Collector and

Competent Authority by *inter alia* taking into consideration the Report of the one man committee headed by Shri Sudhakar V. Joshi, IAS (Retired) which categorized the said property in Annexure IV i.e. the list of 97 cases in which there are no illegalities or irregularities in the exemption order noticed. Further, the Petitioner's application shall be decidedly expeditiously considering that the entire project is at a stand still and unless the application is considered, the Petitioner has stated that the project would die a natural death.

28. We accordingly dispose of this Petition by passing the following order:-

- (a) The impugned order dated 9th January, 2020 (Exhibit – O to the Petition) is hereby quashed and set aside;
- (b) The impugned communication dated 10th December, 2019 and 18th October, 2019 (Exhibits L & M to the Petition) are quashed and set aside;
- (c) The Respondent Nos. 1 and 2 are directed to consider the Petitioner's application dated 3rd February, 2016 for grant of extension of the

exemption order dated 20th January, 2005 passed under Section 20(1) (a) of ULC Act, 1976 in accordance with law by *inter alia* taking into consideration the Report of the One Man Committee headed by Shri Sudhakar V. Joshi, IAS (Retired) which categorizes the said property in Annexure IV i.e. the list of 97 cases in which there are no illegalities or irregularities in the exemption order noticed;

- (d) We make it clear that the Petitioner's application for grant of extension of exemption order dated 20th January, 2005 shall not be rejected on the ground that the SLP No.2404 of 2011 is pending before the Supreme Court;
- (e) We make it clear that we have not made any adjudication on the merits of the order passed under the ULC Act in relation to the said property of the Petitioner;
- (f) The Application made by the Petitioner shall be decided as expeditiously as possible and preferably

within a period of one month from the date of uploading of this Order;

(g) The Rule is partly made absolute on the above terms;

(h) Respondent Nos. 1 and 2 to act upon an authenticated copy of this Order.

(R. I. CHAGLA J.)

(S.C. DHARMADHIKARI, J.)