

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

**WRIT PETITION NO.1287 OF 2020
WITH
INTERIM APPLICATION (L) NO.6195 OF 2020 IN WP NO.1287/2020**

Hormaz Erach Mehta & Anr. ... Petitioners

V/s.

Union of India & Anr. ... Respondents

Ms.Virali Sanklecha i/b Markand Gandhi & Co. for the Petitioners.

Mr.Amit Shastri AGP for the Respondent-State.

**CORAM : UJJAL BHUYAN AND
MADHAV J. JAMDAR, JJ.**

DATE : 17TH AUGUST, 2021

P.C:-

Heard Ms.Virali Sanklecha, learned Counsel for the Petitioners and Mr.Amit Shastri, learned AGP for the Respondent-State.

2. This writ petition was disposed of by this Court on 11/11/2020 in the following terms :

“11 Considering the submissions in which we find considerable force, and after perusing the averments and documents annexed to the petition, we are clearly of the view that Anjali Mehta is incapable of taking care of herself. It is also not in dispute that the petitioners are looking after the well being of Anjali Mehta and for this purpose large sums of money have to be expended. The petitioners, being the guardians and managers of Anjali, have themselves infused sums of approximately Rs.26 Lacs to look after Anjali. In these circumstances, considering the totality of the facts of the case we are of the view that it would be in the interest of Anjali if permission is granted for sale of

the Pallonji Mansion Flat. Hence, we do not see any impediment in allowing this writ petition in terms of prayer clause (b) reproduced earlier. Hence, this writ petition is allowed in terms of prayer (b) as above. We also direct the Petitioners to invest the sale proceeds to earn optimum returns and to utilize the monies for Anjali's proper upkeep and for fulfilling her needs and requirements and to take all actions in law as deemed necessary to protect the interests of Anjali Mehta.

12 We further direct that after conclusion of the sale of the Pallonji Mansion Flat, the petitioners are directed to file a detailed report in that regard before the Prothonotary and Senior Master of this court within a period of one month from the date of effecting the transfer/sale. The Prothonotary and Senior Master will examine the report and will seek appropriate directions from this court, if necessary and required. The report shall also set out in detail what the petitioners have done with the sale proceeds received from the Pallonji Mansion Flat. It is further made clear that the sale transaction with the prospective purchaser shall not be for a consideration lesser than Rs.19.51 Crores as mentioned in the petition.

13 Additionally, we also direct the petitioners to file quarterly reports before the Prothonotary and Senior Master setting out the details of the monies expended for the maintenance of Anjali Mehta as well as her properties. If any tax liability arises from the sale of the Pallonji Mansion Flat, the same shall also be paid by the petitioners from the sale proceeds thereof.

14 Mr. Jeejeebhoy brought to our attention that Pallonji Mansion is on the Collector's land and therefore, the above sale transaction will require the Collector's NOC. He requested that the Collector be directed to consider the application of Petitioners for NOC

expeditiously. In these circumstances, the Collector, though not represented before us, is requested to consider the application of the petitioners for transfer/sale of the Pallonji Mansion Flat as expeditiously as possible and in any event on or before 2nd December, 2020.

15 Rule is made absolute in the aforesaid terms and the writ petition is accordingly disposed of. There shall be no orders as to costs.

16 In view of the disposal of the petition, nothing survives in the Interim Application and the same is disposed of accordingly.”

3. Referring to paragraph 13 of the aforesaid order, learned Counsel for the petitioners submits that because of Covid infection, petitioners could not submit the first quarterly report before the Prothonotary and Senior Master though subsequent quarterly report has been submitted. Since the report was to be submitted in a time bound manner, she has filed praecipe seeking leave of the Court to file the first quarterly report.

4. After hearing learned Counsel for the parties and on due consideration we accept the request of the petitioners and direct that the first quarterly report of the petitioners in terms of paragraph 13 of the order dated 11/11/2020 shall be accepted by the registry of the Court if filed within 7 days.

5. No further order is called for.

[MADHAV JAMDAR, J.]

[UJJAL BHUYAN, J.]