

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

REVIEW PETITION NO.1 OF 2021
IN
INTERIM APPLICATION (ST) NO.9609 OF 2021
IN
APPEAL FROM ORDER NO.711 OF 2014

M/s. Deccan Retreat
and M/s. Regent Bhairavi
Corporation,
Through Mr. Ketan R. Shende ... Petitioner
Vs

1 Maharashtra State Road
Development Corporation Ltd.
& Anr. ... Respondents
...

Mr. Ruchir L. Tolat i/by M/s. L.C.Tolat & Co. for the
Petitioner.

Dr. Milind Sathe, Senior Counsel with Mr. Arjun Siwach
with Ms. Priyanka Mitra with Ms. Arushi Poddar i/by
Cyril Amarchand Mangaldas for the Respondent No.1.

CORAM : SANDEEP K. SHINDE J.
DATE : OCTOBER 4, 2021.

P.C. :

The petitioners/original appellants in Appeal

From Order No.711 of 2014 and applicants in IA(ST) No.9609/2021 seek review of order, i.e., paragraph 17(v), being part of the order dated 11th June, 2021 passed in IA (ST) No.9609 of 2021 in Appeal From Order No.711 of 2014.

2 Heard Mr. Tolat, learned counsel for the review petitioner and Dr. Milind Sathe, learned Senior Counsel for Maharashtra State Road Transport Corporation.

3 In Interim Application No.01 of 2021, applicants sought following directions;

(I) Amount of monthly rent of Rs.15 Lakhs be scaled down to Rs.3 Lakhs from April, 2021 in view of the curfew and lock-down imposed by the Collector, Raigad with effect from 5th April, 2021 till restraint order is vacated by the State;

(ii) That rent for the month of April and May may be adjusted against the compensation for the succeeding months;

4 On 11th June, 2021, Interim Application was partly allowed, however, vide order in paragraph 17(5), declined the adjustment of compensation paid for the month of April, 2021. Applicants are seeking review of this part of the order on the ground that since lock-down was imposed with effect from 5th April, 2021, they were entitled to adjustment even for the month of April since rent due, for April, 2021, had no relevance, as to, whether food mall was operational in March, 2021 or not.

5 It may be stated that the order dated 11th June, 2021 was challenged before the Hon'ble Supreme Court in Special Leave Petition; wherein the Hon'ble Apex Court declined to interfere in the impugned order

and Accordingly, SLP was dismissed. One of the grounds in the SLP was;

“The Hon’ble High Court erred in not granting adjustment of the amount paid by the petitioner on account of lease rent for the month of April, 2021 on the ground that the Food Track business \ in the month of March, 2021 was fully operational.”

6 That since on the very ground, review is sought, I am not inclined to entertain the Review Petition. It is dismissed.

(SANDEEP K. SHINDE, J.)