

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2230 OF 2019

WITH

NOTICE OF MOTION NO. 231 OF 2019

IN

WRIT PETITION NO. 2230 OF 2019

WITH

CHAMBER SUMMONS NO. 128 OF 2019

IN

WRIT PETITION NO. 2230 OF 2019

WITH

INTERIM APPLICATION NO. 777 OF 2020

IN

WRIT PETITION NO. 2230 OF 2019

Aaydee Corporation

...Petitioner

Versus

Regional Officer & Anr

...Respondents

SHEPHALI
SANJAY
MORMARE

Digitally signed by
SHEPHALI SANJAY
MORMARE
Date: 2021.12.10
18:51:23 +0530

Mr Yogendra Sharma, for the Petitioner.

Ms Shyamali Gadre, with Tanvi Doshi & Rushab Chopra, i/b Little & Co, for Respondents Nos. 1 and 2 -MIDC.

Mr Rushab Sheth, with S Bodhanwalla and Sakshi Sharma & Danish Merchant, i/b MS Bodhanwalla & Co, for the Applicant in IAL/6795/2019.

**CORAM G.S. Patel &
 Madhav J. Jamdar, JJ.**

DATED: 8th December 2021

PC:-

1. The Writ Petition under Article 226 of the Constitution of India challenges a notice at Exhibit “R” issued by the Respondents. This is dated 23rd December 2018. This is subsequent to a previous notice dated 20th July 2018. These notices make it clear that MIDC had been complaining since 2008 that the Petitioners and his partners had taken no steps to complete the development of plots Nos. C1 and C2 allotted to them in MIDC premises at Marol Industrial Area, Marol Andheri, Mumbai. This is a prime industrial area in Mumbai City.

2. The impugned notice itself says that no concrete steps were taken for complete development of the allotted plots or for commencing production. Accordingly, MIDC terminated its Agreement with the Petitioners and asserted its right to resume possession. This it did after noticing that none of the Petitioners’ representatives were on site but there were only some unauthorised occupants.

3. Ms Gadre for the MIDC states that possession has been resumed by MIDC long ago on 9th January 2019.

4. There are very serious disputed questions of facts that cannot be examined in the Writ Petition. We dismiss the Writ Petition but we reserve liberty to the Petitioners to adopt appropriate civil proceedings if so advised. We note that there may be other disputes regarding the constitution of the Petitioner firm as, in these 37 years,

one entire generation seems to have passed on. We say nothing in that regard. The Petition is disposed of in these terms.

5. Previous interim orders stand vacated. There will be no order as to costs.

6. The IA for amendment is infructuous and will not survive.

7. All concerned will act on production of a digitally signed copy of this order.

(Madhav J. Jamdar, J)

(G. S. Patel, J)