

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

WRIT PETITION NO.3119 OF 2022

New Millenium India Property
Developers Private Limited Petitioner

Vs.

Maharashtra Industrial Development
Corporation and Ors. Respondents

Mr.Rahul Narichania Sr.Advocate a/w Mr.Pranav Thackur
for the Petitioner

Ms.Shyamali Gadre i/b M/s.Little and Co. for the
Respondent no.1 / MIDC

Ms.Ayushi Anandpara a/w Mr.Dhiren Durante and
Ms.Sharanya Mahimtura i/b M/s.Lexicon Law Partners for
the Respondent no.5

Mrs.R.M.Shinde, A.G.P. for the State

**CORAM: S.V.GANGAPURWALA &
VINAY JOSHI , JJ.**

DATED : APRIL 8, 2022

P.C.

1. The Petitioner seeks direction that the Respondent nos.1 to 4 may take physical possession of the acquired lands as described at Exhibit 'A' of the Petition and that the amount of compensation be paid.

2. It was the stand of the Maharashtra Industrial

Development Corporation that unless demand is made by the Special Land Acquisition Officer and the possession of the land is received, amount of compensation cannot be deposited.

3. It also appears that settlement is arrived at between the Petitioner and the Respondent no.5 herein before the learned single Judge of this Court. Said settlement is also read and recorded. Petitioner and Respondent no.5 are bound by the same.

4. The learned Senior Advocate for the Petitioner submits that the Petitioner is ready to deliver possession of the acquired lands at any point of time.

5. The learned A.G.P. states that demand has been made from the MIDC for the amount of compensation.

6. The learned counsel for the MIDC states that within four weeks from the date the possession is received, amount of compensation would be paid. The statement is accepted as undertaking to the Court.

7. The Petitioner shall start delivering possession of the acquired land to the concerned Special Land Acquisition Officer from 11th and 12th April, 2022. The SLAO in turn will hand over possession to the acquiring body (MIDC). MIDC shall deposit the amount as per the demand with the Sub Divisional Officer within four weeks and the Sub Divisional Officer on receipt of the said compensation amount within

one week deposit the amount with the Prothonotary and Senior Master, High Court, Mumbai and the amount that would be deposited shall be permitted to be withdrawn by the parties in terms of the consent terms dated 05.05.2021 and the order dated 05.05.2021 passed by the learned single Judge of the Court under Commercial Arbitration Petition (L) No.2735 of 2020.

8. After the entire amount is deposited, parties would make an application. The learned Senior Counsel for the Petitioner submits that if Respondent no.5 makes an application for withdrawal of the amount of Rs.62.5 crores, Petitioner would give no objection to the same.

9. As far as contention with regard to lands at Village Gohe is concerned, the Petitioner may agitate in respect of the same in appropriate proceedings. In that event, all contention qua the said lands are kept open including the quantum of compensation. If Petitioner is aggrieved, the Petitioner may take appropriate steps in that regard.

10. Writ Petition is disposed of.

(VINAY JOSHI, J.)

(S.V.GANGAPURWALA, J.)