

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.10159 OF 2022
IN
WRIT PETITION NO.3119 OF 2022

New Millenium India Property]
Developers Private Limited & Ors.] ... Applicants

In the matter of :

New Millenium India Property]
Developers Private Limited & Ors.] ... Petitioners

Vs.

Maharashtra Industrial Development]
Corporation, Through Chief Executive]
Officer & Ors.] ... Respondents

...

Mr. Rahul Narichania, senior counsel with Mr. Pranav Thakkur
for the applicant in Interim Application.

Ms. Shyamali Gadre with Ms. Harshita Bhanushali i/b Little &
Co. for respondent-MIDC.

Mr. A.I. Patel, Addl. G.P. with Ms R.M. Shinde, A.G.P. for State.

Ms. Ayushi Durante with Mr. Dhiren Durante and Mr. Sahil
Namavati i/b Lexicon Law Partner for respondent No.5.

...

**CORAM : R.D. DHANUKA &
KAMAL KHATA, JJ.**

DATED : 22ND JULY, 2022.

P.C.:-

1. In pursuance of the order dated 20/07/2022 passed by this court, Mr. Narichania, learned senior counsel for the applicant tenders a copy of the letter dated 21/07/2022 addressed by the Sub-Divisional Officer, Karjat, stating that 63.232 Hectares equivalent to 156 Acres (approximately) can be acquired on payment of compensation of Rs.86,94,40,000/-, to the petitioner. Copy of the said letter is taken on record.

2. In view of the said letter, we direct the Special Land Acquisition Officer to publish the Award on or before 26/07/2022 at 5.00 p.m. and a copy of the Award shall be supplied to the petitioner or his advocates as well as MIDC simultaneously. On receipt of a copy of the said Award, that will be made by Special Land Acquisition Officer, MIDC to deposit Rs.86,94,40,000/- with the Registrar General of this court within one week from the date of receipt of a copy of the Award with intimation to the petitioner or his advocates, Government Pleader's office and respondent No.5, without fail.

3. Mr. Narichania, learned senior counsel for the petitioner, on instructions, undertakes that his clients shall handover vacant possession of the land under question, to the Special Land Acquisition Officer on or before 26/07/2022.

4. Upon deposit of the said amount by MIDC in this court, respondent No.5 will be at liberty to withdraw the said amount of Rs.62,50,00,000/- from the office of this court.

5. The Registry of this court is directed to permit respondent No.5 to withdraw the said amount of Rs.62,50,00,000/- in compliance with the order dated 08/04/2022 passed by the Division Bench of this Court in Writ Petition No.3119 of 2022. Respondent No.5 shall inform the petitioner/his advocates about withdrawal of the said amount within 48 hours from the date of withdrawal of the amount.

6. It is made clear that the amount that will be deposited by MIDC in this court would be without prejudice to the rights and contentions of the petitioner. Insofar as the quantification is concerned, it is also made clear that the balance amount out of Rs.86,94,40,000/- shall be allowed to be withdrawn by the petitioner after deducting the sum of Rs.62,50,00,000/- withdrawn by respondent No.5. It is also made clear that this court has not expressed any view on the claim, if any, of respondent No.5 against the petitioner towards interest or otherwise. If any such claim is made, the same shall be decided in accordance with law.

7. Interim application is disposed off. No order as to costs.

8. All parties to act on the authenticated copy of this order.
9. The matter be placed for reporting compliance on **04/08/2022** on the supplementary board under caption “**For Direction**”.

[KAMAL KHATA, J.]

[R. D. HANUKA, J.]