

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

**WRIT PETITION NO. 14564 OF 2022**

SMB Properties LLP

... Petitioner

vs.

City and Industrial Corporation of  
Maharashtra Limited and anr.

... Respondents

Mr. Anoshak Daver a/w Mr. Chirag Sarawagi, Mr. Yash Dhakad,  
Ms. Dhrushti Shah i/b. Tushar A. Goradia for the Petitioner.

Mrs. R. A. Salunkhe, AGP for the Respondent – State.

Mr. G. S. Hegde a/w Ms. P.M. Bhansali for the Respondent  
(CIDCO).

**CORAM : S.V. GANGAPURWALA, ACJ. &  
S. G. CHAPALGAONKAR, J.**

**DATED : 22 DECEMBER, 2022**

**P.C. :-**

1. The grievance of the petitioner is that the petitioner had applied for the plots pursuant to the Advertisement. The petitioner has deposited EMDs. For six months, EMDs are lying with the respondent-CIDCO. Abruptly, the tenders are cancelled without assigning reasons. The same is arbitrary.

2. Learned counsel for the respondent-CIDCO submits that even otherwise the petitioner has remedy before the Managing Director/Competent Authority of CIDCO. The petitioner can avail remedy. Learned counsel for the respondent-CIDCO also disputes the contention of the petitioner.

3. In view of the fact the petitioner has remedy before Managing Director/Competent Authority of CIDCO, as contended by learned counsel for CIDCO, we are not inclined to go into the merits of the contentions of the parties, they are kept open.

4. The petitioner may file representation / application with Managing Director/Competent Authority, within a period of one week from today. If such representation / application is filed within one week from today, the Managing Director shall consider the said representation/application and take a decision according to its own merits and according to law/policy, preferably within six weeks from the date of receipt of the presentation/application. The petitioner may represent itself before the Managing Director / Competent Authority.

5. Till the decision is taken by the Managing Director / Competent Authority, further proceeding regarding allotment of writ land may not be undertaken. Depending upon the decision taken by the Managing Director, further steps be undertaken.

6. Writ Petition is disposed of. No costs.

(S. G. CHAPALGAONKAR, J.)

(ACTING CHIEF JUSTICE.)