

Dusane

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2504 OF 2021**

Zeus Infrastructure Originally known as ...Petitioner
Harekrishna Builders

Versus

Maharashtra Housing and Area Development ...Respondents
Authority & Ors

BHALCHANDRA
GOPAL
DUSANE

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BHALCHANDRA
GOPAL DUSANE
Date: 2022.01.05
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Mr Shanay Shah *i/by Kunal Bhanage, for the Petitioner.*
Mr P.G. Lad *alw Ms. Aparna Kalathil, Ms. Sayli Apte for MHADA.*
Mr Nilesh Parte *for Respondent No. 4.*
Mr. Abhay Patki, AGP *for State*

CORAM **G.S. Patel &
Madhav J. Jamdar, JJ.**
DATED: **4th January 2022**

PC:-

1. Mr. Shah, learned Advocate for the Petitioner, has taken instructions. He states that in regard to the demand made by MHADA, his clients are prepared to make a representation to MHADA on all points canvassed and, for the liberty to do so, are prepared to be put to terms in the following manner. An amount of Rs.2.00 Crores against the MHADA demand has already been deposited with MHADA. The entire demand is in the amount of Rs.9.35 Crores. Half or 50% of this amount works out to Rs.4.67 Crores. Mr. Shah therefore states that in addition to the Rs.2 crores

already deposited, a further deposit of Rs.2.67 Crores will be deposited by the Petitioners with the Prothonotary and Senior Master, High Court, Bombay within eight weeks from today.

2. We accept the statement as an undertaking to the Court. On deposit, that amount is to be invested by the Prothonotary & Senior Master in accordance with the usual practices of his office.

3. The question of appropriation by MHADA of any amount deposited whether with MHADA or with this Court will be subject to orders in this Writ Petition or in any further Writ Petition that may be filed after MHADA has decided representation to be made by the Petitioners.

4. We also accept Mr. Shah's submissions that the present petition itself may be treated as a representation to MHADA. For the sake of formality and good order, the Petitioner may be required to recast the petition appropriately before presenting it to MHADA.

5. Mr. Lad, learned Advocate for MHADA, states that a decision will be taken on the representation filed by the Petitioners within four weeks after it is filed.

6. We leave all contentions open. We make it clear that we have not expressed any opinion on the merits of the matter. Specifically we leave open the contentions of the Petitioners that the policy invoked by MHADA is inapplicable to the Petitioners because they have not obtained an IOD.

7. It goes without saying that the authority in question in MHADA will decide the representation uninfluenced by any previous orders that may have been passed.

8. The petition is disposed of with above terms with no order as to cost.

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

(Madhav J. Jamdar, J)

(G. S. Patel, J)