

**BASAVRAJ
GURAPPA
PATIL**

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

INTERIM APPLICATION NO.645 OF 2023

IN

WRIT PETITION NO. 6646 OF 2022

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BASAVRAJ GURAPPA
PATIL

Date: 2023.01.30
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Gajra Home Builders Pvt. Ltd.

..... Applicant /
Petitioner

Vs.

The State of Maharashtra & Ors.

..... Respondents

Mr. R. D. Soni with Aishwarya Shinde I/b. Soman for the Applicant /
Petitioner

Mr. B. V. Samant, AGP for the State

Mr. Nitin Gangal for the Respondent CIDCO

**CORAM: S.V.GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**

DATED : JANUARY 27, 2023

P.C.

1. The present Interim Application is filed seeking direction to generate new payment link on the official website to enable the Petitioner to make the payments of lease premiums in compliance with the directions of this Court given under orders dated 9th December 2022 and 16th December 2022 or in the alternative by encashing the cheques issued by the Petitioner / Applicant.

2. It is submitted by the learned Counsel for the Petitioner that the cheques that were handed over to the Respondents have been returned back.

3. We have heard Mr. Soni, the learned Counsel for the Applicant / Petitioner and Mr. Gangal the learned Counsel for Respondent No.3 CIDCO. Under order dated 9th December 2022 and further clarification dated 16th December 2022, we had asked the Petitioner to approach the CIDCO with a request for waiver of delayed payment charges. We had further asked the CIDCO to take decision in accordance with the law and policy. The said order was passed on 9th December 2022.

4. Subsequently, the motion was made for Speaking to the Minutes to the effect that pursuant to the order dated 9th December 2022, the Petitioner had approached the Respondent for making payment, however, it was stated that the on-line payment could not be made. We had clarified under order dated 16th December 2022 that Respondent CIDCO may accept the payment from the Petitioner without prejudice to the rights and contentions of either parties.

5. It is submitted by the learned Counsel for the Petitioner that the payment could not be made through on-line mode, as the link was not open. The Petitioner, therefore, issued letter to accept the cheques. The amount was sought to be paid under four cheques total amounting to Rs.56.69 crores (Rs. Fifty Six Crores Sixty Nine lacs only). The cheques were not accepted. The said cheques were also returned back.

6. The Petitioner may make payment by Demand Draft to Respondent No.3 CIDCO within seven days from today, which the Respondent may accept without prejudice to its rights and contentions.

7. If the payment is made through Demand Draft within seven days from today, then the parties shall adhere to the orders passed by this court dated 9th December 2022 and 16th December 2022.

8. The Interim Application is disposed of.

(SANDEEP V. MARNE, J)

(ACTING CHIEF JUSTICE)