

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1724 OF 2022

Infinity Infra and Anr.

....Petitioners

V/S

The City and Industrial Development
Corporation of Maharashtra Ltd. & Ors.

....Respondents

...

Mr. Ramesh D. Soni a/w Mr. V.R. Kasle and Mr. Tushar R. i/b M/s. Ram & Co. for the Petitioners.

Mr. Nitin Gangal for Respondent Nos.1 to 3-CIDCO.

Mr. B.V. Samant, AGP for Respondent No.5-State.

...

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

DATE : 26 APRIL 2023.

P.C.:

1 We have heard the learned Counsel for the parties.

2 It is not disputed that the Petitioner was successful bidder and has paid a sum of Rs. 70 lakhs and odd to the Respondents in respect of Plot Nos.14 and 15 situated at Ghansoli.

3 It is the case of the Petitioner that the Bullet Train alignment passes through Plot No.15 and so many obstacles have arisen. The permission of Respondent No.6 would be required. The learned Counsel

submits that the Respondents are required to extend the time for payment of installments and also for the construction work to be carried out.

4 Mr. Gangal, the learned Advocate for Respondent Nos.1 to 3-CIDCO submits that the Respondent-CIDCO did not comprehend and had absolutely no knowledge about the alignment of the Bullet Train to pass through Ghansoli. There was no deliberate omission on part of the Respondent-CIDCO as regards alignment of the Bullet Train passing through Plot No.15.

5 We have considered the submissions.

6 It appears that at the time when the advertisement was issued for allotment of the Plot, the Respondent-CIDCO did not apprise the bidders about alignment of the Bullet Train affecting Plot No.15. Naturally further consequences would arise because of the said alignment. The Respondent-CIDCO is also required to consider the said aspect of the matter.

7 The Petitioner may make an Application with the Respondent-CIDCO for extension of time to make the payment and also grant of

special extension of two years for completion of construction without additional lease premium on its merits. The Petitioner may make an application to that effect within 8 days from today. The Respondent-CIDCO shall take decision upon it within a period of one month thereafter.

8 With the aforesaid observations, the Writ Petition is disposed of.
No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)

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signed by
SUDARSHAN
RAJALINGAM
KATKAM
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