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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2358 OF 2023

The Bombay Xavierian Corporation Pvt. Ltd.
Through its Director.

.. Petitioner

Versus

Nav Kiran CHS (Proposed) and Ors.

.. Respondents

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- Mr. G.S. Godbole, Senior Advocate a/w. Ms. Savita Ganoo, Mr. Sachin Mahagavkar, Mr. Darshit Shah i/by DSM Legal for Petitioner.
 - Mr. Bhushan Deshmukh a/w. Mr. Sandeep Dhangar, Mr. Paras Gosar i/by Jayesh R. Vyas, Advocates for Respondent Nos.1 to 3.
 - Mr. S.D. Rayrikar, AGP for Respondent Nos.4 and 5 – State.
 - Mr. Shyam Mehta, Senior Advocate a/w. Mr. Shakeeb Shaikh, Mr. Altab Diamondwala, Alfiya Diamondwala and Mr. Noorain Patel for Intervenor.
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 24, 2023.

P.C.:

1. Heard learned Advocates appearing for the respective parties for some time.

2. On perusal of the impugned order, it is seen that Shree Nidhi Concept Realtors Private Limited is required to be heard in the present Writ Petition also, considering that Application filed by the said developer was also heard at the same time while passing the impugned order, by the Authority who has passed the impugned order.

3. Registry shall not raise any objection for impleadment considering that the developer was not a party in the Statutory Appeal before the learned Maharashtra Revenue Tribunal, Mumbai (for short “MRT”).

4. In view of the above, leave to amend is granted to implead Shree. Nidhi Concept Realtors Pvt Ltd. Amendment to be carried out forthwith. Re-verification is dispensed with.

5. Heard Mr. Godbole, learned Senior Advocate for the Petitioner; Mr. Deshmukh, learned Advocate for Respondent Nos.1 to 3; Mr. Rayrikar, learned AGP for Respondent Nos.4 and 5 and Mr. Mehta, learned Senior Advocate for the Intervenor / newly impleaded Respondent.

6. Present Writ Petition takes exception to the interim order dated 14.02.2023 passed by the learned MRT.

7. Reading of the impugn order would reveal that there were two specific Appeals namely Appeal (L) No.72 of 2023 filed by Respondent Nos.1 to 3 and Appeal (L.) No.74 of 2023 filed by the Developer namely Shree Nidhi Concept Realtors Private Limited seeking implementation of the Slum Rehabilitation Scheme before the MRT.

8. Without addressing the issue on merits, as also the observations and findings returned in the impugned order, it would be in the interest of the justice, if the learned MRT is directed to decide both the pending Appeals i.e. Appeal (L) No.72 of 2023 and Appeal (L.) No.74 of 2023 together after hearing the parties and pass a reasoned order on all issues including the question of its maintainability which is raised by the Petitioner in the present Writ Petition within a time bound programme.

9. Needless to state that all issues of the parties are expressly kept open.

10. In the meanwhile, the impugned interim order dated 14.02.2023 shall stand stayed.

11. In that view of the matter, status quo shall be maintained by all parties till the final order is passed by the learned MRT in the above proceedings.

12. The learned MRT is therefore directed to decide the pending Appeal (L) No.72 of 2023 and Appeal (L) No.74 of 2023 within 6 weeks from today strictly in accordance with law.

13. Both parties are directed to appear before the learned MRT on 27.02.2023 at 12:00 noon for fixing the schedule for hearing of the above Appeals.

14. With the above directions, Writ Petition is disposed.

[MILIND N. JADHAV, J.]

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