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

**INTERIM APPLICATION NO. 17672 OF 2022
IN
WRIT PETITION NO. 6721 OF 2021**

M/s. Skytech Infra ... Applicant

IN THE MATTER BETWEEN

Mangeshi Co-operative Housing
Society (Proposed) ... Petitioner

Versus

City & Industrial Development
Corporation of Maharashtra Ltd. & Ors. ... Respondents

.....

Mr. Aditya Chitale with Mr.Prathamesh Bhosale i/b. MNSQ Legal
for the Applicant / Original Respondent No.3.

Mr.Abhay Khandeparkar, Senior Advocate with Mr.Dilip Bodake
for the Original Petitioner.

Mr.G.S.Hegde, Senior Advocate i/b. Ms.P.M.Bhansali for the
Respondent -CIDCO.

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**CORAM : NITIN JAMDAR &
ABHAY AHUJA, JJ.**

DATE : 15 MARCH 2023

P.C. :-

This interim application is taken out for modification of the
order dated 2 March 2022 passed in original Writ Petition No. 6721

of 2021 by the Division Bench of this Court (Coram: A.A.Sayed and Abhay Ahuja, JJ.) The application is placed before this Bench as one of the learned Judges is no longer available.

2. By the order dated 2 March 2022, the Applicant was directed to be added as a party Respondent and liberty was granted to file reply/ additional reply. The Applicant has not yet filed reply. Since more than one year the ad-interim order is in operation and the Petitioner -society has deposited the amount in the Court. At this stage, vacating the interim order will render the petition infructuous without hearing the same on merits.

3. The learned Counsel for the Applicant states that the Applicant proposes to give an offer to the Respondent- CIDCO should be considered. Liberty already given in the order dated 2 March 2022 for the parties to explore the possibility of settlement. Therefore, it is always open to the Applicant to submit a proposal to the Respondent -CIDCO and it is for the Respondent- CIDCO to consider viability of the same.

4. We permit the Applicant to file a reply affidavit by extending the time granted under order dated 2 March 2022. It is open to the Applicant to make a request for early disposal of the writ petition before the regular Court. We are informed that the petition is already notified on the weekly board.

5. With these observations, the interim application is disposed of.

ABHAY AHUJA, J.

NITIN JAMDAR, J.