

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10104 OF 2023

Mr. Abraham Kolaath And Anr ... Petitioners
Versus
Additional Commissioner,
Konkan Division, Mumbai And Anr ... respondents

Mr. Rupesh Jaiswal i/b. Manoj Jaiswal & Associates for the
Petitioner.
Mr. Bhavesh Parmar a/w. Ms. Reshma Nair i/b. Devmani Shukla
for the Respondent No.2.

CORAM : RAJESH S. PATIL, J.

DATED : 27th SEPTEMBER, 2023

P.C.:

1. After the matter was heard for some time. The parties agreed to dispose of the Writ Petition by quashing and setting aside the impugned Judgment and Order dated 30 January, 2023 and 10 March 2022 on the following conditions :

- (i) The Petitioner will pay of cost of Rs.50,000/- to the Respondents within a period of one week from today i.e., by 4 October, 2023.
- (ii) The Petitioner will also deposit without prejudice a sum of Rs.21,00,000/- in the following manner :-
 - (a) The Petitioner will deposit of Rs.1,00,000/- within a period of one week i.e., by 4 October, 2023 in this Court.
 - (b) The Petitioner will deposit of Rs.10,00,000/- within a period of one

month from today in this Court, i.e., by 27 October 2023, in this Court.

(c) The Petitioner will deposit remaining amount of Rs.10,00,000/- within a period of two months from today, i.e., by 27th November, 2023 in this Court.

2. The learned counsel for the respondent, on instructions, states that if sum of Rs.21,00,000/- is deposited within time his client will have no objection, if the delay in filing revision is condoned before the Additional Commissioner, Kokan Division, Mumbai.

3. As there is no objection from the Respondents for condoning the delay, in filing revision even though such application is not preferred by the Applicant. The Revision Application No.Appeal/Desk/MRCA/Rev/455/2022 is restored to file. Delay is condoned. The Additional Commission, Kokan Division, Mumbai is hereby directed to hear the Revision within two months from date the of the entire amount being deposited by the Petitioner in this Court. The said revision should be heard and disposed of on merits. This Court has not decided the matter on merits, therefore, all questions on law are kept open.

4. Parties are directed to tender documents before the Revision Court within a period of one week on the date of first hearing.

5. This Writ Petition is accordingly disposed of.

6. This Writ Petition to appear 'for compliance' before this Court after 10 weeks.

7. In case, the Petitioners fails to deposit amount as mentioned in Para No.1, above, the concession as given in Para No.2,3 and 4, will not be applicable, and the impugned Judgment and Order will stand.

(RAJESH S. PATIL, J.)