



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

WRIT PETITION NO. 11597 OF 2023

M/s. Jai Jinendra Realtors Pvt. Ltd. & ors.

.Petitioners

Vs.

The State of Maharashtra & ors.

.Respondents

Mr. S. G. Karandikar i/b. Mr. Jayesh Joshi, Advocate, for the
Petitioners

Mr. Kishor S. Patil a/w. Mr. Prasad P. Kulkarni & Ms Sonal
Dabholkar i/b. Mr. Amol P. Mhatre, Advocate, for Respondent
No. 5

Mr. P. G. Sawant, AGP, for the Respondent - State

CORAM : MADHAV J. JAMDAR, J.

DATE : 25.09.2023

P. C.

1. Heard Mr. Karandikar, learned counsel appearing for the Petitioners, Mr. Patil, learned counsel appearing for Respondent No. 5 and Mr. Sawant, learned AGP appearing for the Respondent - State.

2. Mr. Karandikar, learned counsel appearing for the Petitioners submitted that by order dated 21.08.2023 passed in Appeal LNA No. 402 of 2022, learned Additional Commissioner, Konkan Division, Mumbai condoned a delay of 12 years. The said order is challenged by filing Revision Application bearing RTS-27A23/P.K.388/J-4A before the Hon'ble Minister of

Revenue. He states that the Revision Application bearing RTS-27 A23/P.K.388/J-4A is pending before the Hon'ble Minister of Revenue. He states that inspite of pendency of the said Revision Application before the Hon'ble Minister of Revenue, learned Additional Commissioner, Konkan Division, Mumbai is proceeding with the Appeal bearing LNA No. 402 of 2022. He states that the impugned order in the present Writ Petition is order dated 06.09.2023 by which learned Additional Commissioner has refused to grant an adjournment till Revision pending before the Hon'ble Minister is taken up for hearing.

3. Mr. Patil, learned counsel appearing for Respondent No. 5 states that as there is no stay, the learned Additional Commissioner, Konkan Division, Mumbai, is proceeding with the Appeal bearing No. LNA 402 of 2022.

4. However, in the present case, delay of about 12 years is condoned by order dated 21.08.2023 which is impugned in Revision pending before the Hon'ble Revenue Minister.

5. In view of above situation, in the interest of justice, it is necessary that the Revision Application bearing RTS-27 A23/P.K.388/J-4A pending before the Hon'ble Minister of

Revenue be decided expeditiously.

6. Accordingly, the following order is passed.

O R D E R

- (i) The Hon'ble Minister of Revenue of State of Maharashtra is requested to decide the pending Revision Application bearing No. RTS-27 A23/P.K.388/J-4A on or before 02.11.2023;
- (ii) Till the disposal of the Revision Application bearing RTS-27A23/P.K.388/J-4A by the Hon'ble Minister of Revenue, the learned Additional Commissioner, Konkan Division, Mumbai shall not proceed with hearing of the Appeal No. LNA 402 of 2022;
- (iii) It is clarified that this Court has not examined merits of the Petition and all the contentions of the contesting parties with respect to Appeal pending before the learned Additional Commissioner, Konkan Division, Mumbai as well as Revision pending before the Hon'ble Revenue Minister on merits are expressly kept open;
- (iv) The Writ Petition stands disposed of in above terms with no order as to costs.

(MADHAV J. JAMDAR, J.)