

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

INTERIM APPLICATION NO.196 OF 2023

IN

WRIT PETITION NO.372 OF 2023

Namrata Realty, Pune and Ors.

.. Applicants-Petitioners

Vs.

The State of Maharashtra,

Through its Urban Development Department,

Mantralaya, Mumbai and Anr.

.. Respondents

Mr. N.V. Walawalkar, Sr. Advocate, with Mr. Suresh M. Sabrad and Mr. Amey C. Sawant for the Applicants-Petitioners.

Ms. M.P. Thakur, AGP for Respondent No.1-State.

Mr. Kalpesh Patil for Respondent No.2-PMRDA in WP/372/2023.

Mr. A.R. Kapadnis for Respondent No.2-PMRDA in WP/12192/2022.

CORAM : A.S. CHANDURKAR &

M.W. CHANDWANI, JJ

DATE : 13TH FEBRUARY, 2023.

P.C. :

1. By the present application, the applicants-petitioners seek a direction similar to the one issued in Interim Application No.30158 of 2022 in Writ Petition No.12192 of 2022. By the order dated 13th December 2022 passed in Interim Application No.30158 of 2022, a direction was issued to respondent no.2-PMRDA to examine the decision of this Court in the case of *Gera Developments Pvt. Ltd. and Anr. Vs. The State of Maharashtra, through Principal Secretary (UD-1) and Ors. And another connected petition¹*, and to

1 *Civil Writ Petition No.896 of 2021 dated 22nd November 2021*

consider whether the law laid down therein would be applicable to the present petitioner.

2. Considering the nature of the said direction, as issued, and as the petitioners claim to be similarly situated, we find it appropriate to issue similar directions. Accordingly, we pass the following order :-

- (i) Respondent no.2-PMRDA shall examine the decision referred to in the case of *Gera Developments Pvt. Ltd. (Supra)* and if the law laid down therein is applicable to the case of the petitioner, the respondent no.2 shall take further necessary steps in the matter.
- (ii) An opportunity of hearing shall be granted by the concerned Chief Executive Officer of the respondent no.2 or any other senior officer so designated.
- (iii) If respondent no.2 is of the opinion that the law laid down in the said decision would not be applicable to the case of the petitioner, an affidavit-in-reply shall be filed.
- (iv) The representative of the petitioners shall appear before respondent no.2 on 22nd February 2023.
- (v) The decision on the aforesaid be taken within a period of two weeks thereafter.

3. Interim Application is disposed of in the above terms.

[M.W. CHANDWANI, J.]

[A.S. CHANDURKAR, J.]