

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15316 OF 2023

Gramercy Trade Industries Pvt. Ltd.,]
a private limited company, registered under the]
provisions of Companies Act, 2013 having its]
registered office at Survey No.191A/2A/1/2,]
CTS No.2175, Tech Park One, Tower 'E',]
Airport Road, Yerwada, Pune,]
Maharashtra 411 006.] .. Petitioner.

v/s.

- 1 Maharashtra Industrial Development]
Corporation, a Government of Maharashtra]
undertaking having its address at MIDC]
Office building, Plot No.AM-20, Regional]
Office, 3rd Floor, behind Lokmat Building,]
Near Thane Belapur Road, post MBP, TTC]
Industrial Area, Mahape, Navi]
Mumbai 400 710.]
- 2 State of Maharashtra]
through the office of Chief Minister]
of Maharashtra, 6th Floor, Mantralaya,]
Mumbai 400 032 and through the]
Secretary, Ministry of Industries having]
address at 2nd Floor, New Administrative]
Building, Opp: Mantralaya, Mumbai 400002] and Principal Secretary, Urban Development]
Department, having office at 4th Floor,]
Bhanushankar Yagnik Road, Churchgate,]
Mantralaya, Mumbai 400 021.]
- 3 SI Group India Pvt. Ltd.,]
a private limited company registered]
under the provisions of Companies Act,]
1956 having its office at Survey No.147,]
Village Rasal, Pali Khopoli Road, P. O. Pali,]
Taluka Sudhagad, District Raigad Pali,]
Raigarh, Maharashtra 410 205.] .. Respondents.

Mr. Virag Tulzapurkar, Sr. Advocate with Mr. Aditya Shiralkar, Mr. Denzil Arambhan, Mr. Abinash Pradhan, Ms. Garima Agrawal and Mr. Yash Dedhia i/b. Wadia Ghandy & Co., for the Petitioner.

Mr. M. V. Mali, AGP for the Respondent-State.

Mr. Akshay S. Karlekar i/b. Shreeyog Law Associates, for Respondent No.1-MIDC.

**CORAM: A.S.CHANDURKAR &
FIRDOSH P. POONIWALLA, JJ.
DATE : 7th DECEMBER, 2023.**

ORAL JUDGMENT (Per A.S.CHANDURKAR,J.):-

RULE. Rule made forthwith and heard finally by consent of the learned Counsel for the parties.

2 Considering the nature of directions proposed to be issued, service on Respondent No.3 is dispensed with.

3 Mr. Karlekar, learned Counsel waives notice for Respondent No.1 and learned Assistant Government Pleader waives notice for Respondent No.2.

4 The Petitioner, a Private Limited Company is aggrieved by the Demand Notices dated 23rd February, 2023 and 9th November, 2023 issued by the 1st Respondent, requiring the Petitioner to pay Urban Land Ceiling Transfer charges for transfer of plot no. Gen-2/1/A.

5 On hearing the learned Counsel for the parties, it is seen that pending consideration of the objection raised by the Petitioner to the demand as raised by the 1st Respondent, the Petitioner had furnished Bank

Guarantee for a sum of Rs.77,66,04,060/- on 5th February, 2022 which was to operate for a period of one year. Pursuant to the demand notice dated 23rd February, 2023, the Petitioner-Company made a representation to the 2nd Respondent on 21st January, 2023. In the light of this representation, a report was called from the 1st Respondent in the matter. Pursuant to this direction, the 1st Respondent sought clarification and guidance from the 2nd Respondent vide communication dated 9th March, 2023. It transpires that a decision on this communication dated 9th March, 2023 is yet to be arrived at. In the meanwhile, the 1st Respondent has issued another demand notice dated 9th November, 2023, requiring the Petitioner to pay an amount of Rs.372,49,63,537/-.

6 In these facts, we find that the interests of justice would be served by directing the 2nd Respondent to consider the representation dated 21st January, 2023 as made by the Petitioner, raising the grievance with regard to the transfer charges as well as the guidance sought by the 1st Respondent vide communication dated 9th March, 2023.

7 In order to enable the consideration of this representation, the Petitioner shall first revive the bank guarantee that was obtained on 5th February, 2022 for the same amount for a period of three months. Though the learned Counsel for the 1st Respondent insists on deposit of part of the amount of demand, we find that furnishing of such bank guarantee would safe-guard the interest of the 1st Respondent.

8 The 2nd Respondent shall take a decision on the representation dated 21st January, 2023 within a period of six weeks after giving an audience to the Petitioner's representative. The decision taken

shall be communicated to the Petitioner. In case, the said decision is adverse to the interest of the Petitioner, same shall not be acted upon for a further period of four weeks from communication of such decision. In the meanwhile, the impugned Demand Notices dated 23rd February, 2023 and 9th November, 2023 shall not be acted upon till the representation dated 21st January, 2023 is decided and for a further period of four weeks from communication of such decision.

9 Keeping all points on merits open, Writ Petition is disposed of in the above terms.

(FIRDOSH P POONTWALLA,J.)

(A.S. CHANDURKAR,J.)