

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

INTERIM APPLICATION NO.17997 OF 2023

IN

WRIT PETITION NO.6495 OF 2023

Lal Gebi Ventures Pvt. Ltd., Navi Mumbai] .. Applicant-Petitioner

Vs.

1. State of Maharashtra,]

Through the Urban Development Dept.]

2. City Industrial & Development Corporation]

3. Navi Mumbai Municipal Corporation] .. Respondents

Mr. Rajiv Chavan, Sr. Advocate, with Ms. Priyanka Chavan and Ms. Priya Mehra, for the Applicant-Original Petitioner.

Mr. G.S. Hegde, Sr. Advocate, i/by Ms. P.M. Bhansali, for Respondent No.2-CIDCO.

Mr. Tejash Dane for Respondent No.3-NMMC.

**CORAM : A.S. CHANDURKAR &
FIRDOSH P. POONIWALLA, JJ**

DATE : 15TH DECEMBER, 2023.

P.C. :

1. The applicant-petitioner seeks leave to amend the Writ Petition and raise a challenge to the communication dated 11th December 2023, by which the 2nd respondent-CIDCO has terminated the Letter of Allotment that was issued to the petitioner on 16th January 2023. Since this event has occurred during pendency of the Writ Petition, the amendment is allowed. The same be carried out within a period of one week from today. Re-verification is dispensed with.

2. We have heard learned counsel for the parties on the prayer for interim relief. The applicant-petitioner seeks stay to the effect, operation and implementation of the communication dated 11th December 2023, terminating the allotment of Plot No.16, Sector – 8, admeasuring 4,150 sq.mtrs., Node-Ghansoli, Navi Mumbai, that was initially allotted to the petitioner on 16th January 2023. The allotment has been terminated on the ground that the requisite installments that were required to be paid as a condition of allotment were not paid despite granting extension of time to do so. Prima facie, having considered the terms of allotment of the aforesaid plot vide communication dated 16th January 2023, which required the petitioner to pay the amount excluding Earnest Money Deposit in two equal installments ending 2nd March 2023 and 1st April 2023, coupled with the fact that the applicant-petitioner had sought extension of time to do so, we are inclined to stay the effect, operation and implementation of the communication dated 11th December 2023 terminating the allotment of Plot No.16, subject to the petitioner depositing the amount indicated, as payable under the first installment, which is Rs.864,412,661.54, within a period of six weeks from today. If this amount is paid by the applicant-petitioner without prejudice to its rights and contentions, as raised in the Writ Petition, within a period of six weeks from today, the termination of allotment vide communication dated 11th December 2023 shall not be acted upon by the 2nd respondent-CIDCO.

3. It is clarified that this interim order would operate without prejudice to

the rights and contentions of either parties and would be subject to final outcome of the Writ Petition. Interim Application is disposed of in these terms.

[FIRDOSH P. POONTWALLA, J.]

[A.S. CHANDURKAR, J.]