

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 3165 OF 2023**

Parinee Realty Pvt Ltd & Anr ...Petitioners
Versus
State of Maharashtra through its Secretary & Ors ...Respondents

**WITH
WRIT PETITION NO. 3166 OF 2023**

Parinee Juhu Anamika Redevelopment Pvt Ltd & Anr ...Petitioners
Versus
State of Maharashtra & Ors ...Respondents

**WITH
WRIT PETITION NO. 3167 OF 2023**

Parinee Vir Bhuvan Redevelopment Pvt Ltd & Anr ...Petitioners
Versus
State of Maharashtra & Ors ...Respondents

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Mr Gouresh Mogre, for the Petitioners in all Petitions.
Mr Ajay Khaire, for Respondent No.5 (AAI), in all Petitions.
Mr Abhay Patki, Addl GP, for the Respondent-State in WP/3165/23.
Mrs Jyoti Chavan, Addl. GP, for the Respondent-State in WP/3166/23.
Mr Manish Upadhyay, AGP, with Mr SB Gore, AGP, for the Respondent-State in WP/3167/23.

**CORAM G.S. Patel &
Kamal Khata, JJ.
DATED: 9th November 2023**

PC:-

1. In a recent judgment in *Prestige Estate Projects Ltd v State of Maharashtra & Ors*¹ we considered the effect of a special Government Resolution (“GR”) dated 14th January 2022 issued by the State Government on the basis of a Special Committee’s Report which was apparently intended to reduce the perceived ‘hardship’ caused to developers during and because of Covid.
2. It gave developers a huge 50% rebate on the premium for additional FSI (subject to conditions). Now this trio of cases presents another level of ‘hardship’. These three developers tried to redevelop of a MHADA property at Ville Parle (East). They applied to the Airport Authority of India (“AAI”) for a height clearance on 11th May 2021. On 29th June 2021, the AAI granted that No Objection Certificate (“NOC”) but then on 10th January 2022, just four days before the GR, the AAI revoked the NOC meaning that there were no longer agreeable to that height permission. They reduced the height.
3. Now the Petitioners ask us to look at their even more considerable ‘hardship’ and the woes that have been caused to them because they have now been denied the benefits of 14th January

1 *Neutral Citation: 2023:BHC-OS:13164-DB.W*

2022 GR. That is because that GR had a limited shelf life (as all good things should) and it ended on 31st December 2022.

4. What is now being contended is that the Petitioners' representation to the State Government in the Urban Development Department should be decided, to extend the Covid premium additional FSI rebate Circular to these Petitioners. Why? Because the AAI did the unthinkable and cancelled the NOC.

5. We cannot think of one good reason to entertain these Petitions or to pass any orders. The Petitioners did not seek our permission or an order from this Court before making a representation. They do not need our orders to send reminders to the State Government.

6. The Petitions are rejected. There will be no order as to costs.

(Kamal Khata, J)

(G. S. Patel, J)