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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

REVIEW PETITION NO. 3 OF 2023

IN

WRIT PETITION NO. 69 OF 2022

Surana Developers (Wadala) LLP & Ors.	}	Petitioners
versus		
The State of Maharashtra & Ors.	}	Respondents

Dr. Milind Sathe, Senior Advocate with Mr. Bhushan Deshmukh, Mr. Jamshed Master, Mr. Shakeeb Shaikh and Mr. Aftab Diamondwala and Mr. Harish Reshamwala i/b. Diamondwala & Co. for the petitioners.

Mr. Himanshu Takke, AGP for State.

Dr. Vijay D. Patil for respondents 2, 3 and 4.

Mr. H. S. Venegaonkar with Mr. Aayush Kedia for respondent no. 5.

**CORAM: S. V. GANGAPURWALA, Act.CJ.&
R. N. LADDHA, J.**

DATE: MARCH 31, 2023

P.C.:

1. The present review petition is filed seeking review of the order dated 14th November 2022 passed by this Court in the writ petition filed by the present review petitioners (Writ Petition No. 69 of 2022).

2. The writ petition was filed by the review petitioners assailing the letter dated 26th August 2021, wherein it was informed to the petitioners that the Deputy Director, Directorate of Enforcement informed the office of the Slum Rehabilitation Authority (hereafter "the SRA", for brevity) to maintain status quo in respect of the project and not to take decision on any

request for modification of the Letter of Intent (LoI) claimed by the petitioners without the no-objection of the office of the Directorate of Enforcement.

3. Dr. Sathe, learned senior advocate for the review petitioners submits that this Court decided the writ petition on the premise that the case against the present petitioners under the Prevention of Money Laundering Act, 2002 (hereafter “the PMLA Act”, for brevity) is pending. However, in the affidavit in rejoinder filed on 2nd September 2022, it was pleaded by the present petitioners that the Directors of petitioner no. 2 are discharged from the said case on 24th August 2023. This fact is not considered by the Court while delivering the judgment. The learned senior advocate further submits that in view of that in the operative part, this Court directed the SRA to consider the contention of the Enforcement Directorate about the increase of tenements and further, this Court observed that the decision of SRA on the application of the petitioners for revised LoI would be subject to any further action that may be taken or intended by the Enforcement Directorate. According to the learned Senior Advocate, as the proceedings against the Directors of the petitioner no. 2 are dismissed, the role of Enforcement Directorate does not subsist.

4. Mr. Venegaonkar, learned advocate for respondent no. 5 submits that against the order of discharge passed by the Special PMLA Court, the Enforcement Directorate had filed criminal revision application before this Court. This Court, on 29th March 2023, dismissed the criminal revision application filed by the Enforcement Directorate and the Enforcement Directorate is in the process of filing SLP before the Apex Court.

5. It is not disputed by the learned advocate for the respondents that on 24th August 2022 the Directors of the

petitioner no. 2 are discharged from the case filed under the PMLA Act. However, while passing the order under review, this Court passed the order on premise that the case against the Directors of the petitioner no. 2, under the PMLA Act, is pending. Now it has transpired that even the criminal revision application filed by the Enforcement Directorate against the order of discharge is dismissed.

6. As there is no criminal case under the PMLA Act pending against the petitioners and the same is also clear from the affidavit filed by respondent no. 5, the following part in the operative order dated 14th November 2022 may not be necessary. Hence, we pass the following order: -

- (i) In clause (i) of the operative order, the words “*so also the contention of Enforcement Directorate about the increase of tenements from 138 to 402 in the Anand Nagar SRA CHS Scheme.*” shall stand deleted;
- (ii) In clause (ii) of the operative order, the sentences/words “*The decision by SRA on an application of the petitioner for revised LOI would be subject to any further action that may be taken or intended by the Enforcement Directorate.*” shall stand deleted.

7. With the aforesaid modification, the review petition is disposed of.

8. No costs.

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(R. N. LADDHA, J.)

(ACTING CHIEF JUSTICE)