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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**10 CIVIL APPLICATION NO. 246 OF 2024
IN WP/13997/2023**

BALIKA ASHOKRAO CHAVAN THROUGH GPA ASHOK KISHANRAO
CHAVAN
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND
ANOTHER

Mr.L.H.Kawale h/f Mr.K.J.Suryawanshi, Advocate for the Applicant.
Mr.P.K.Lakhotiya, AGP for Respondent No.1.
Mr.S.S.Dande, Advocate for Respondent No.2.

**(CORAM : RAVINDRA V. GHUGE AND
Y.G.KHOBRADE, JJ.)**

DATE : JANUARY 8, 2024

PER COURT :

1. By an order dated 06.11.2023, this Court has refused interim relief to the Petitioner keeping in view that the occupancy certificate was not sought by the Petitioner. The development of the said plot was incomplete, for 11 ½ years. Several times, extension to complete the construction was granted. Repeatedly, the Petitioner had assured the MIDC that the construction would be completed and an application for occupancy certificate would be tendered. However, the Petitioner kept on dilly dallying. Under fortuitous circumstances, the

Petitioner enjoyed the property without any completion certificate and without completing the construction for more than 11 ½ years. We are surprised as to how the Petitioner was granted the certificate under the Maharashtra Shops and Establishments Act to utilize the premises for a hotel.

2. In view of the above and once having rejected the request for interim relief, on similar set of contentions, this Court can not grant a relief, which would eventually amount to reviewing the earlier order.

3. In view of the above, **this application is rejected.** Needless to state, if the Petitioner seriously approaches the MIDC and agrees to pay all such amounts towards premium charges, penalty etc. and complete the construction without any delay, it is left to the MIDC whether it would consider such a request.

(Y.G.KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)