



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3752 OF 2023

Heubach Colorants India Ltd. (formerly known as ... Petitioner
Clariant Chemicals (India) Ltd.)

Versus

Maharashtra Industrial Development Corporation ...Respondent

Mr. Mayur Khandeparkar a/w. Mr. Nipeksh Arvind Jain and Shoma
Maitra i/b. Wadia Ghady & Co. for the petitioner.

Mr. Prashant Chavan a/w. Ms. Poonam Sheth i/b. Navdeep Vora &
Associates for the respondent/MIDC.

CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.
DATED: 4 January, 2024

P.C.

1. We have heard learned counsel for the parties for sometime.
Considering the fact that this petition under Article 226 of the Constitution,
the substantive prayer is of a money claim, Mr. Khandeparkar seeks leave to
withdraw this petition with liberty to the petitioner to file a Civil Suit.

2. We permit the petitioner to withdraw this petition with liberty to file
Civil Suit. As the petitioner was bonafide pursuing the present petition and
considering the fact that termination notice is dated 8 July, 2020 which was
issued to the petitioner during the Covid-19 pandemic period and in respect of
which the orders passed by the Supreme Court in the proceedings of Suo Motu
Writ Petition (Civil) No. (s) 3/2020 in the case of **Re-Cognizance for**

Extension of Limitation¹ in regard to the extension of period of limitation, were in operation as also the present proceedings being filed on 18 February, 2023, we permit the petitioner to institute a suit within a period of four weeks from today. If the suit is filed, the same can be adjudicated on merits, as the petitioner would be entitled to the benefit of the orders passed by the Supreme Court (supra) in regard to any issue of limitation as also under the provisions of Section 14 of the Limitation Act.

3. All contentions of the parties on the merits of the dispute are expressly kept open.
4. Disposed of as withdrawn. No costs.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)

1 (2020) 19 SCC 10