

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 7229 OF 2024

AND

WRIT PETITION NO. 1652 OF 2024

M/s. Duet India Hotels (Navi Mumbai)
Private Limited & Anr.

...Applicants

In the matter between

M/s. Duet India Hotels (Navi Mumbai)
Private Limited & Anr.

...Petitioners

Vs.

State of Maharashtra & Ors.

...Respondents

Mr. Janak Dwarkadas, Sr. Advocate a/w Ms. Tamanna Tavadia, Mr. Denzil Arambhan, Bhushan Deshmukh, Mr. Abinash Pradhan, Ms. Garima Agarwal and Mr. Yash Dedhia i/b Wadia Ghandya & Co., for Applicant / Petitioner.

Mr. Kunal Damle a/w Mr. Akshay Karlekar i/b Shreeyog Law Associates, for Respondent Nos.2 to 5 (MIDC).

Ms. Smita Borikar, General Manager (Legal), MIDC, present in person.

Ms. P. J. Gavhane, AGP for State.

**CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.**

DATE: 3 APRIL, 2024.

P.C.

1. Heard learned counsel for the parties on the Interim Application. The Interim Application prays for amendment to the writ petition in terms of the schedule of draft amendment. There is also interim prayer in the application for stay to the effect and implementation and operation of the communications

dated 11 March 2024 and 20 March 2024 issued by the MIDC and that no coercive steps be taken in pursuance of such communications.

2. After hearing the parties on this interim application on 28 March 2024, we had passed a detailed order. The contentions as urged on behalf of the petitioner is that in the light of our orders dated 6 February 2024 passed on this petition, the said communications could not have been issued by the Chief Executive Officer. We had accordingly adjourned the present proceedings to enable the learned counsel for the MIDC to take instructions, to enable the Chief Executive Officer to take an appropriate position.

3. Today, we are informed by learned counsel for the MIDC that the Chief Executive Officer is not willing to withdraw the communications dated 11 March 2024 and 20 March 2024 and that he intends to place on record an affidavit the justification behind such communications.

4. In this view of the matter and also as conceded on behalf of the MIDC, the MIDC would not have any objection for the Interim Application to be allowed. It is accordingly allowed in terms of prayer clause (a). Necessary amendment be carried out within a period of one week from today and a copy of the amended petition be served on all the parties.

5. Insofar as the effect and operation of the impugned communications dated 11 March 2024 and 20 March 2024 are concerned, learned counsel for MIDC has stated that no coercive steps would be taken against the petitioner

under the said communications. We accept the statement as made on behalf of the MIDC.

6. Let a reply affidavit to the amended petition be placed on record within two weeks from the day the amended petition is served on the MIDC.
7. List the proceedings for further hearing on **24 April 2024 (HOB)**.
8. Ad-interim orders, if any, passed earlier shall continue to operate till the adjourned date of hearing.
9. Before parting, we may also observe that the petitioners have raised a contention that there was impropriety on the part of the Chief Executive Officer in issuing the impugned communications and more particularly that the same could not have been issued in the light of the order dated 6 February 2024 passed by this Court, and as no permission from the Court was obtained by the Chief Executive Officer before issuing such communication. We shall hear the parties also on such issues on the adjourned date of hearing.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)