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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13049 OF 2023

Shelton Infrastructure Pvt Ltd ...Petitioner
Versus
City And Industrial Development Corporation
Ltd ...Respondent

WITH
WRIT PETITION NO. 13054 OF 2023

Shelton Infrastructure Pvt Ltd ...Petitioner
Versus
City And Industrial Development Corporation
Ltd ...Respondent

Mr Virag Tulzapurkar, Senior Advocate, with Bindi Dave, Ieshan Sinha, Aayesh Gandhi & Gaurang Samel i/b Wadia Ghandy & Co, for the Petitioner in WP/13049/2023.
Ms Bindi Dave, with Ieshan Sinha, Aayesh Gandhi & Gaurang Samel i/b Wadia Ghandy & Co, for the Petitioner in WP/13054/2023.
Mr GS Hegde, Senior Advocate, i/b PM Bhansali, for the Respondent-CIDCO in both Petitions.

**CORAM G.S. Patel &
Kamal Khata, JJ.**
DATED: 29th February 2024

PC:-

1. We are amazed at the submissions made on behalf of CIDCO by Mr Hegde on instructions. We delivered a judgment on 12th February 2024 making Rule absolute and allowing the Petitioners in these two matters to make payment (without delayed payment charges) within 10 weeks from that day. The complaint from Mr Tulzapurkar is that CIDCO has refused to open the portal for payment.

2. Mr Hegde says that he has instructions to make submissions. He says that a decision is being taken at the highest levels as to whether our judgment is or is not to be challenged. Some Managing Director has been replaced with some other Managing Director. These are matters of monumental irrelevance to us. It is not for CIDCO to sit in appeal over judgments and orders of the High Court. If CIDCO desires to challenge our judgment it is free to do so but short of a stay nothing will prevent us from enforcing our orders and nothing will allow CIDCO to show openly and brazenly defy our orders.

3. In fact in our judgment, we had noted that there are at least four cases and three separate judgments against CIDCO seeking precisely this relief.

4. The Petitioners are at liberty to issue cheques/demand drafts without waiting for opening of a payment portal to the online payment. CIDCO will accept those cheques/demand drafts and it will act on production of an authenticated copy of this order. CIDCO will proceed on the footing that CIDCO's acceptance of

these cheques/demand drafts is on a without prejudice basis and the fact that it accepts the cheques/demand drafts will not preclude it from carrying the matter higher if that is the decision ultimately taken. Of course, it goes without saying that subject to this clarification, the normal procedure on payment for processing permissions, applications and execution of documents will have to follow.

5. At this stage, Mr Hegde states that he will advise the CIDCO on this basis to open the portal to receive the payment, also on a without prejudice basis. The statement is noted and accepted.

6. We clarify that the time for payment is now extended to a period of 10 weeks from the date the portal is opened.

(Kamal Khata, J)

(G. S. Patel, J)