
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7883 OF 2024

Bhagwati Akshar Empire LLP

...Petitioner

Versus

City And Industrial Development
Corporation of Maharashtra Ltd. & Ors.

...Respondents

Mr. Atul Rajadhyaksha a/w. *Akhilesh Dubey, Vagish Mishra, Amit Dubey, Rajaram Kuleriya, Alex D'souza, Emad Khan, Sahil Upadhyay i/b. Law Counsellors, Advocate for Petitioner.*

Smt. T.J. Kapre, *AGP for Respondent-State.*

Mr. S.V. Kamdar a/w. *Mr. Rahul Sinha & Soham Bhalerao i/b. DSK Legal, Advocate for Respondent Nos.1 to 3.*

CORAM : M.M. SATHAYE &
SOMASEKHAR SUNDARESAN, JJ.

DATE : MAY 31, 2024
[VACATION COURT]

P. C.

1. Heard the parties at reasonable length to consider if any ad-interim measures are necessary.

2. Mr. Kamdar, Learned Senior Counsel on behalf of

Respondent No.1-CIDCO has drawn our attention to proceedings before the National Green Tribunal (Western Zone) Bench, Pune (“*NGT*”) in Original Application No.74 of 2022 (WZ), in which, originally, a stay on the tendering process had been issued vide an Order dated 22nd August, 2022.

3. Mr. Kamdar submits that these proceedings were finally disposed of by the Learned NGT vide an Order dated 11th October, 2023, prohibiting CIDCO from conducting an auction of part of Plot No.2A for the reasons set out in the order. Let an affidavit-in-reply to this Petition be filed bringing all these facts on record.

4. Learned Senior Counsel for the Petitioner submits that the Petitioner seeks interim relief of directing Respondent No.1-CIDCO not to put the Plot No.2A for a new tender process since he was the winning bidder in the last tendering process and has agreed to buy it on an as-is-where-is basis.

5. At this stage, it is apparent on a *prima facie* basis that if a part of Plot No.2A cannot be auctioned at all unless the order of the NGT dated 11th October, 2023 is disturbed in appeal, Plot No.2A would not be capable of being dealt with. Mr. Kamdar submits that CIDCO is indeed in appeal before the Hon’ble Supreme Court, challenging the said order of NGT.

6. In these circumstances, it is apparent that no ad-interim measures would be called for from this Vacation Bench. Let the Respondents file an affidavit-in-reply by 14th June, 2024. Rejoinder, if any, may be filed by 21st June, 2024.

7. Stand over to 28th June, 2024, for further consideration, by the regular Bench.

[SOMASEKHAR SUNDARESAN, J.]

[M.M. SATHAYE, J.]