

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO.9473 OF 2024

1. Ashok Awtani
2. Kiran Ashok Awtani
3. Aditya Ashok Awtani

....Petitioners

V/S.

- 1.G.G. Photo Limited
2. M/s. Gaurav Digital

....Respondents

WITH

CIVIL WRIT PETITION NO.9474 OF 2024

1. Ashok Awtani
2. Kiran Ashok Awtani
3. Aditya Ashok Awtani

....Petitioners

V/S.

- 1.G.G. Land & Leasing Private Limited
2. M/s. Gaurav Digital

....Respondents

Mr. Girish Godbole, senior Advocate with Mr. Sanjay Jain and Ms Yesha Thaker i/b. M/s. L.J. Law for the Petitioners.

CORAM : SANDEEP V. MARNE, J.

Dated : 23 July 2024.

P.C. :

1) Mr. Godbole, the learned senior counsel and Mr. Jain, the learned counsel appearing for the Petitioners would submit that the Respondents were attempted to serve by private notice. However, the notices have been refused by the Respondents. They seek leave to file affidavit-of-service. Leave is granted. However, considering the nature of order has that is proposed to be passed in the Petitions, in my view it is not necessary to secure appearance on behalf of the Respondents.

2) The challenge in the present Petitions is to the orders dated 23 January 2024 passed by the Competent Authority rejecting applications filed by Petitioners seeking direction against the Respondents for deposit of arrears of compensation during pendency of the eviction application.

3) It appears that the Petitioners filed applications seeking a direction against the Respondents for payment of license fees /compensation in the year 2012, which came to be disposed of by passing following order by the Competent Authority on 6 September 2012 :-

The application for direction to the Respondents for payment to Applicants or to deposit in Court the amount of license fees compensation as well as penalty and interest stands deferred, and final order shall be passed while deciding the original eviction application finally. The hearing of the original application stands expedited.

4) It appears that despite expediting the hearing of eviction applications, the same continue to remain pending before the Competent Authority even till date. This possibly triggered another set of applications on behalf of the

Petitioners in February-2023 once again seeking direction against Respondents for payment /deposit of license fee /compensation in respect of the application premises. The Competent Authority has proceeded to reject the applications by order dated 23 January 2024 observing that issue regarding the jurisdiction and entitlement of license fees is framed and under trial. On that ground the Competent Authority has refused to consider the prayer for interim relief.

5) In my view since the eviction applications are pending for the last 16 long years, it would be appropriate that the same are decided in an expeditious manner rather than considering the prayer of Petitioners for payment/ deposit of license fee /compensation at this point of time. In fact, the Competent Authority had already expedited the hearing of the eviction applications on the ground that the prayer of the Petitioners for payment /deposit of the license fee/ compensation shall be considered while deciding the eviction applications finally. However, despite passing the said order on 6 September 2012, it appears that eviction applications are still not decided.

6) In that view of the matter, Petitions are disposed of with direction to the Competent Authority to expedite the hearing of eviction applications and to make an endeavour to decide the same as expeditiously as possible, preferably by 31 December 2024.

[SANDEEP V. MARNE, J.]