

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.9928 OF 2024****Nilesh Ramesh Shingadia****....*Petitioner*****V/s.****Mr. Karshan Bhavan Gami and Ors.****....*Respondents***

Mr. Rakeshkumar R. Tiwari *for the Petitioner.***Ms Sulbha Chipade, AGP** *for the Respondent -State.*

CORAM : SANDEEP V. MARNE, J.**Dated : 18 July 2024.****P.C. :**

- 1) Heard Mr. Tiwari, the learned counsel appearing for the Petitioner and Ms Chipade, the learned AGP for the Respondent -State.
- 2) It appears that impugned order dated 5 July 2024 is in fact passed in favour of the Petitioner as the Revisional Authority has stayed the order passed by the Competent Authority subject to the condition of Petitioner depositing the amount of damages as per clause 3 of the order of the Competent Authority by 12 July 2024. It appears that the direction for depositing of amount of damages is on account of the willingness shown by Petitioner to deposit such amount as pre-condition for grant of stay. Apart from willingness expressed before the Revisional Authority on 5 July 2024, it appears that the Petitioner subsequently filed an application seeking

extension of time for making the deposit. In that view of the matter, Petitioner cannot now turn around and challenge the condition of deposit of amount of damages as a pre-condition for stay of the order of the Competent Authority.

3) After this Court expressed disinclination to entertain the Petition, the learned counsel appearing for the Petitioner seeks time of two weeks to deposit the amount in the office of the Competent Authority.

4) Accordingly, Petitioner is permitted to deposit the amount as per clause (3) of the operative portion of the Competent Authority's order within a period of two weeks from today. If such deposit is made, the stay order granted by the Revisional Authority on 5 July 2024 shall revive. If there is default on the part of the Petitioner in depositing the amount within the stipulated time, the stay granted by the Revisional Authority, which has already expired, shall not be revived.

5) The Revisional Authority shall decide the pending Revision Application on its own merits without being influenced by any of the observation made in this order.

6) All points raised by the Petitioner on merits including the point of existence of licensor-licensee relationship are kept open.

7) Writ Petition is accordingly disposed of.

[SANDEEP V. MARNE, J.]