

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 12014 OF 2024

Sudarshan Chemical Industries Limited .. Petitioner.

Versus

The State of Maharashtra
& Others .. Respondents

Mr. Pravin Samdani, Sr. Advocate i/b. Mr. Shailendra Kanetkar,
Advocate for the Petitioner.

Ms. S. D. Vyas, Addl. G. P. with Ms. Tanaya Goswami, AGP Advocates
for the Respondents.

**CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.**
DATE: SEPTEMBER 03, 2024

P. C.

1. The above Writ Petition is filed seeking a declaration that the impugned communication dated 10th October, 2022 [raising a demand of Rs.10,47,47,849/- as premium from the Petitioner] is illegal and without the authority of law. A direction is also sought to the Respondents to refund a sum of Rs.5,30,95,030/- together with interest at the rate of 12% p.a. from 11th October, 2022 till the date of payment and/or realization.

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2. The issue involved in the present Writ Petition is with reference to the Government charging premium for releasing the land of the Petitioner from the clutches of the Urban Land (Ceiling and Regulation) Act, 1976 and which is repealed. The premium charged to the Petitioner is on the basis of the Government Resolution dated 1st August, 2019 read with the Government Resolution dated 23rd June, 2021.

3. We find that the legal issue raised in the above Writ Petition is squarely covered by several decisions of this Court. However, since the above matter is coming up for the first time, and Ms. Vyas, the learned AGP appearing for the Respondents, sought time to file an Affidavit in Reply, we direct the State to file its Affidavit in Reply within a period of two weeks from today.

4. Since admittedly, the land belonging to the Petitioner ad-measuring 25,762 sq. mtrs. was reduced to 23,316.96 sq. mt. pursuant to the Sangamwadi Town Planning Scheme, the State shall, in its Affidavit, clarify whether this reduction was from the vacant surplus land or was from the retainable land. The Affidavit in reply shall be filed on or before the next date and a copy of the same shall be served on the Advocate for the Petitioner.

5. We now place the above Writ Petition on 19th September, 2024 for ad-interim relief. Parties are put to notice that the Writ Petition may be disposed of at that stage itself, time permitting.

6. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]