
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12014 OF 2024

SHRADDHA
KAMLESH
TALEKAR

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Sudarshan Chemicals Industries Limited

...Petitioner

Versus

1. The State of Maharashtra
& Ors.

...Respondents

Mr. Pravin Samdani, *Senior Advocate i/b Shailendra Kanetkar, for
Petitioner.*

Ms. S.D. Vyas, *Addl. GP with Mr. Mr. V.G. Badgujar, AGP for
Respondent-State.*

**CORAM: B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.**

Date : December 19, 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 and which is already paid), is illegal and without the authority of law. A direction is also sought that the Respondents refund a sum of Rs. 5,30,95,030/- together with interest @ 12% per annum from 11th October, 2020, till the date of payment and/or realisation.

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the land of the Petitioner from the clutches of the the Urban Land (Ceiling and Regulation) Act, 1976, and which is repealed.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

3. When the above matter had come up on 3rd September, 2024, we found that the legal issue raised in the above Writ Petition was squarely covered by several decisions of this Court. However, since the matter was coming up for the first time, and the Learned Addl. GP sought an adjournment to file an affidavit in reply. Accordingly, we directed the State to file its affidavit in reply within two weeks from 3rd September, 2024. Since, in the facts of the present case, the land belonging to the Petitioner admeasuring 25,762 sq. mtrs. was reduced to 23,316.96 sq. mtrs. pursuant to the Sangamwadi Town Planning Scheme, we also directed the State [in its affidavit in reply], to clarify whether this reduction was from the vacant surplus land or from the retainable land of the Petitioner. The reason for giving this direction was because depending on from which land this reduction took place, the refund would accordingly be calculated. Accordingly, we placed the Writ Petition on 19th September, 2024.

4. On 19th September, 2024, the matter was mentioned and was stood over to 26th September 2024. On 26th September 2024, the matter did not reach and was adjourned to 3rd October, 2024.

5. On 3rd October, 2024, once again a request was made for a further period of two weeks by the Learned Addl. GP to file the affidavit in reply on behalf of the State. Acceding to this request, we directed that the affidavit in reply be filed on or before 18th October, 2024 and placed the matter on Board on the 22nd October, 2024.

6. Once again, on 22nd October, 2024, the Learned Addl. GP sought further time to file the affidavit in reply. Once again, acceding to the request, and which we made clear was as a last chance, the matter was stood over to 19th November, 2024.

7. On 19th November, 2024, the Learned Addl. GP sought a further extension on the ground of the upcoming Assembly Elections. Considering these circumstances, we, once again granted four weeks time to file the affidavit in reply and kept the matter to 17th December, 2024. On 17th December, 2024, the matter was adjourned to today for passing orders, as there was no affidavit in reply filed on the record by the State.

8. Today, when the matter is called out, the Learned Addl. GP, once again, makes a request for a further period of four weeks for filing the affidavit in reply because the State is in the process of approving the draft affidavit. We are rather displeased with the way the State has handled this matter. This matter has been pending on the Board since September 2024, and has been adjourned only at the instance of the State. This is despite the fact that the issue raised in the present Petition is squarely covered by several decisions of this Court. The State was only to file an affidavit in reply to clarify the factual aspect as to whether the reduction of the Petitioner's land by 2,446 sq. mtrs. [pursuant to the Sangamwadi Town Planning Scheme] was from the retainable land or from the vacant surplus land. We do not think that the State should have taken so much time to only clarify this aspect of the matter. Be that as it may, one last opportunity is granted to the State to file their reply and bring this factual situation on record. This affidavit in reply shall be filed on or before 16th January, 2025, and a copy of the shall be served on the Advocates for the Petitioner.

9. We make it clear that if the affidavit in reply is not filed by the next date, we will presume that the State has nothing to say in the matter and we will proceed on the basis that the reduction of the Petitioner's land (Pursuant

to the Sangamwadi Town Planning Scheme) has taken place from the retainable land of the Petitioner and not from the vacant surplus land.

10. Stand over to **16th January, 2025**.

11. 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.

[SOMASEKHAR SUNDARESAN, J.]

[B.P. COLABAWALLA]