

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO.86 OF 2024

IN

WRIT PETITION(ST)NO. 18845 OF 2023

Managing Director
City and Industrial Development
Corporation Maharashtra Ltd & Anr ..Petitioners

Versus

Mr.Rupesh B. Ghone & Ors ..Respondents

*Dr.Milind Sathe, Senior Advocate, with Mr.Sameer Patil,
Advocates for the Petitioner*

*Mr.Shriram Kulkarni i/b Hemant Ghadigaonkar, Advocates
for Respondent Nos.1 to 74.*

*Mr. A.I. Patel, Addl. G. P. with Mr. Y.D. Patil, AGP, for the
State/Respondent Nos.75 to 79.*

*Mr.Saket Mone with Mr. Devansh Shah i/b Vidhii Partners,
for Respondent No.80 (JNPA).*

CORAM : B. P. COLABAWALLA, J &
M. M. SATHAYE, JJ.

DATE : OCTOBER 21, 2024
(IN CHAMBERS)

P.C.

1. The above Review Petition is filed seeking a review of the order passed by this Court on 7th September 2023 in Writ Petition (ST)No.18845 of 2023.

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2. The basic grievance in the above Review Petition is that, out of the 128 proposals that were to be submitted to the Chief Land and Survey Officer, CIDCO and who was to thereafter take into consideration the interest calculated as per Section 28 of the Land Acquisition Act, 1894 from the date of taking possession of the land in question till the date of deposit, the obligation to make payment is that of JNPT (now referred to as “**JNPA**”) and not CIDCO. According to CIDCO, out of these 128 proposals in 24 proposals, the lands in those proposals were handed over to JNPA on 16th January 1984. In these circumstances, it is the case of CIDCO that CIDCO is not required to pay compensation for these lands but it would be paid by JNPA.

3. Without getting into any further controversy, we put it to Dr.Sathe that he is free to make a representation to the Government that it is JNPA who was to make the aforesaid payment and not CIDCO. Dr. Sathe submitted that CIDCO would make necessary representation to the Government in this regard. This being a case, we need not entertain the Review Petition any further and the order under review is maintained. However, we clarify that CIDCO is free to make a representation to the State Government seeking a direction to JNPA to make payment in

relation to the 24 proposals (referred to above), and which payment would be made by CIDCO to the Petitioner within a period of eight weeks from today. The State Government is then free to decide and pass whatever directions it deems fit.

4. The Review Petition is accordingly disposed of. However, there shall be no order as to costs.

5. 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.

[M. M. SATHAYE, J.]

[B. P. COLABAWALLA, J].