

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 13367 OF 2024****IN****CIVIL REVISION APPLICATION NO. 216 OF 2024**

Hindustan Petroleum Corporation
Ltd. Thr. Dy. General Manager

....Applicant**V/s.**

Vilas Madhavrao Paygude and Ors.

....Respondents

Mr. G.S. Godbole *a/w Ashwin Shete and Nandita Shah i/b Jayakar & Partners, for the Applicant.*

Mr. S.S. Patwardhan *i/b Mrinal A. Shelar, for the Respondent Nos. 1 and 3.*

CORAM : SANDEEP V. MARNE, J.

Date : 1 OCTOBER 2024.

P.C. :

1) The Interim Application is filed seeking extension of time for vacating the possession of the suit property. Mr. Godbole, the learned senior advocate appearing for the Applicant would submit that the Applicant does not propose to challenge the Judgment and Order dated 27 August 2024. He would however submit that various permissions are needed for ultimate closure of the fuel station at the suit property. He would accordingly submit that the Applicant would in a position to procure all the

necessary permissions for effecting closure of its fuel station at the suit property within a period of one year.

2) Mr. Patwardhan, the learned counsel appearing for Respondent No. 1 would rely upon order dated 4 September 2024 passed by this Court in ***Bharat Petroleum Corporation Ltd. V/s. Dattatray Shankar Taware***¹ pointing out that in respect of similar property in the neighborhood, the Bharat Petroleum Corporation Ltd. showed willingness to pay interim compensation of Rs. 5 lakh per month. He would therefore, submit that in the event of grant of extension of time for vacating the suit property, the same needs to be subject to payment of compensation @ Rs. 5 lakh per month.

3) This Court has noted the details of negotiations that had ensued between the parties with regard to renewal of the lease agreement. Considering the figures that the parties were discussing for renewal of the lease agreement, in my view, payment of compensation of Rs.3 lakh per month during the extended period would meet the ends of justice. Since the Applicant is operating a fuel station and needs necessary permissions for effecting closure thereof, reasonable time needs to be granted for vacating the suit property.

4) Accordingly, I proceed to pass the following order:-

- (i) Applicant is granted time upto 30 September 2025 to vacate the suit property.

1. IA No. 10677 of 2017 in CRA No. 538 of 2023 decided on 4 September 2024.

- (ii) Applicant shall file usual undertaking in this Court within a period of four weeks from today.
- (iii) Applicant shall pay to the Respondents compensation @ Rs.3 lakh per month in addition to the applicable statutory taxes after deducting the TDS from July 2024 till September 2025.
- (iv) The above arrangement shall not come in the way of the parties negotiating a deal for fresh tenure of the lease.

5) With the above directions, the Interim Application is disposed of.

[SANDEEP V. MARNE, J.]

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