



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 14633 OF 2024
IN
WRIT PETITION NO. 6155 OF 2024

Avior Merlin Ventures LLP ... Applicant

In the matter between

Amay Uday Brahme & Ors. ... Petitioners

Versus

The State of Maharashtra & Ors. ...Respondent

Mr. Harshad A. Sathe for the applicant.

Mr. T.D. Deshmukh for the petitioners.

Mr. Saket Mone a/w. Mr. Devansh Shah i/b. Vidhii Partners for respondent
nos. 3 and 4.

Mr. B.V. Samant, Addl. GP for the State.

CORAM: G. S. KULKARNI &
SOMASEKHAR SUNDARESAN, JJ.
(In Chamber)

Date : 18 November, 2024

PC:

1. We have heard learned counsel for the parties on this Interim Application filed by applicant/respondent no. 6, although not filed as a review petition, it seeks a relief that an order dated 16 August, 2024 be recalled.
2. Be that as it may, as consented, this Interim Application is being disposed of as an application for speaking to the minutes of order dated 16 August 2024.

3. In our opinion, interest of justice would suffice if we add paragraph 6A after paragraph 6 to the following effect:

“6A. Although we have categorically observed in paragraph 6 that the rights and contentions of the parties are kept open, we clarify that all rights and contentions of respondent no. 6 in regard to any decision taken on the representation made by respondent no. 6 to MSRDCL as also the proceedings as initiated by respondent no. 6 which are subject matter of independent Writ Petition, are expressly kept open. We also clarify that as MSRDCL has received representation from respondent no. 6 and/or from some other parties in regard to realignment of the Ring Road, it is for the MSRDCL to take appropriate decision in respect of such realignment, which is completely within its domain. If any such decision is taken qua the subject matter of disputes in the present proceedings, in that event, the period of three months to complete the acquisition process be accordingly applied. In the event of private disputes between the petitioner and respondent no. 6, all contentions of the parties are kept open to be agitated before the appropriate forum. At this stage, Mr. Deshmukh, learned counsel for the petitioners has pointed out the petitioners were given to understand that the representation made by respondent no. 6 was rejected by MSRDCL as set in their affidavit. In fact, Mr. Mone has clarified that the representation of respondent no. 6 for wholesome realignment

of the Ring Road has been rejected and the representation has been partially considered in the manner as suggested in the decision of MSRDCL as contained in paragraph 3 of its communication dated 11 July, 2023 addressed to respondent no. 6. The relevant paragraph of the said communication reads thus:

“But, the relief to some extent may be granted by minor reducing the width of Right of Way (ROW) on RHS in the Ch.26/115 to Ch.26/676. This is possible by realigning the service road with 18.00 mtr. vide internal road constructed by you and which has already been handed over to PMRDA. This arrangement shall may save the building C-1 (Major structure with 14 floors) giving relief to you. Also, continuity of service road shall also be maintained.

Additionally, one additional VUP shall be provided for cross through fare/movement between two parts of the project layout. This shall ease the movement of commuters.

In the technical meeting, it was brought to notice that the order of CEO, PMRDA has been partially complied. You may submit revised layout plan to PMRDA as directed by Town Planner and Joint Commissioner, PMRDA, Akurdi, Pune.

Further, in view of this, it is kindly requested to co-operate in the land acquisition process so that the work of Pune Ring Road can be taken up at the early stage and completed in stipulated time

Superintending Engineer
Maharashtra State Road Development
Corporation, Camp office, Pune &
Member Secretary, Technical Committee

We may observe that the rights and contentions of the petitioners in regard to any private disputes which the petitioners may have with respondent no. 6 are expressly kept open in the event of any consequences as may be emanated

from the decision of MSRDCL dated 11 July, 2023. If the petitioners have any independent grievance on the nature of subsequent realignment, they are free to agitate their rights, if any, in appropriate proceedings.”

4. Interim Application stands disposed of in the above terms. No costs.
5. Original order be corrected accordingly, and be made available to the parties.

(SOMASEKHAR SUNDARESAN, J.)

(G. S. KULKARNI, J.)