

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO. 370 OF 2025**

M/s. Civiltech India Pvt. Ltd. & Anr. ...Petitioners  
 Versus  
 The Nasik Industrial Co-operative Estate Ltd. and Ors. ...Respondents

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Mr. Prasad Dani, Senior Advocate i/b. Satyajeet P. Dighe, for the Petitioners.  
 Mr. Pramod Joshi a/w Rukmini Khairnar, for Respondent No.1.  
 Ms. S.S. Bhende, AGP for Respondent No.3 – State.  
 Mr. Ashwin Kulkarni i/b. Little & Co. for Respondent – MIDC.  
 Mr. R.M. Hardas i/b. Ajinkya Jaibhave, for the Intervenor.

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**CORAM : G. S. KULKARNI &  
 ADVAIT M. SETHNA, JJ.**

**DATE : 20 JANUARY 2025**

**P.C.:**

1. We have heard Mr. Dani, Senior Advocate for the petitioners and Mr. P.N. Joshi, learned counsel for the respondent no.1. Mr. Haridas has appeared for the Intervenor i.e. for Mr. Altaf Latif Shaikh, who was one of the Director of petitioner no.2 – Lazeez Bakers Pvt. Ltd. Mr. Ashwin Kulkarni, learned counsel has represented for the MIDC instructed by Little and Company.

2. This writ petition under Article 226 of the Constitution of India is filed praying for the following substantive reliefs:-

“(a) That this Hon’ble Court be pleased to direct the Respondent No.2 to reconsider its letter dated 29.11.2024

in light of representation dated 06.12.2024 by the Petitioners.

- (b) That this Hon'ble Court be pleased to direct the Respondents to permit transfer of sublease of the said property in favour of the Petitioners.”

3. It appears that there is an *inter se* dispute between the Directors of the petitioner no.2 Lazeez Bakers Pvt. Ltd. In this regard, proceedings are pending before different forums. Petitioner no.1 appears to have taken on leave and license, the premises in question which are situated in the Industrial Estate of respondent no.1. The Leave and License Agreement(s) are dated 7 September 2023 and 17 May 2023 under which the license period is from 1 September 2022 to 31 August 2028. Both the documents are part of the record.

4. On account of the *inter se* dispute between the petitioner no.2 - Lazeez Bakers Pvt. Ltd., it appears that the license as entered between the petitioners and the concerned Directors of petitioner no.2 is not being recognized/accepted by the MIDC. In such context, a communication dated 29 November 2024 was issued by the MIDC to respondent no.1, that as proceedings are pending in this regard and which are subject matter of Reg. Civil Suit No.452 of 2023 as also a Civil Suit No.386 of 2024, appropriate action will be taken subject to the final outcome of the said proceedings qua the approval to be granted to the said license granted in favour of petitioner no.1, under the license agreements in question.

However, what has made the petitioners approach this Court is a recent communication which has been issued by the MIDC dated 18 December 2024, alleging that the petitioner no.1 is illegally conducting its activities on the plot of land in question, as also that the activities of petitioner no.2 - Lazeez Bakers Pvt. Ltd. was reported to be closed. Respondent no.1 was accordingly directed to take action in regard to such illegal use of the land by petitioner no.1 and a report in that regard be made by respondent no.1 to the MIDC.

5. On the above backdrop, we have heard learned counsel for the parties. We have perused the record with their assistance.

6. It appears to be quite clear that the dispute between the Directors of petitioner no.2 are subject matter of different proceedings, which fact is to the knowledge of the MIDC, as seen from the letter dated 29 November 2024 of the MIDC, as addressed to respondent no.1. Also there are civil suits which are pending. More particularly, Mr. Altaf Latif Shaikh, one of the Directors of petitioner no.2 Lazeez Bakers Pvt. Ltd. has filed a suit against petitioner no.2 impleading petitioner no.1, as also the MIDC – respondent no.1, as defendants in the said suit. The suit is *inter alia* for cancellation of the leave and license agreement under Section 31 of the Specific Relief Act and for ancillary reliefs. It thus appears that Mr. Altaf Shaikh has already taken recourse to legal proceedings. Admittedly, so far no interim relief has been obtained in such suit either against petitioner

no.2 - Lazeez Bakers Pvt. Ltd. or for that matter, against the petitioners. Mr. Haridas, learned counsel for the Intervenor - Mr. Altaf Latif Shaikh states that the petitioners can move an intervention application in that suit to seek appropriate reliefs. We do not observe anything on such contention, as it is for the intervenor/plaintiff in the said suit, to pursue the suit or any application filed in the suit and if such an application is filed, needless to observe that the same shall be decided in accordance with law after hearing all the parties.

7. In so far as the case of the petitioner no.1 in the present proceedings is concerned, we find that a representation is already made to the MIDC by petitioner no.1 by its letter dated 6 December 2024 (Exhibit 'J' page 200). The same is pending consideration. In our opinion, such representation would be required to be decided as the petitioner no.1 appears to be put in possession under the leave and license agreement and is presently conducting its business on the plot in question. The case of the petitioners is that the said representation of the petitioners needs to be decided. It is also its case that in so far as the applicability of the communication of the MIDC dated 29 November 2023 is concerned the same needs to be re-considered.

8. In our opinion, the petitioners' prayer is reasonable, which needs to be granted keeping open all contentions of the parties. Till such time the petitioners' representation is considered and decided, the petitioner no.1

would be required to be protected, in so far as its possession of the plot of land subject matter of the leave and license agreements is concerned.

9. In the aforesaid circumstances, we are inclined to dispose of the petition by following order:-

### ORDER

- (i) The Intervenor - Mr. Altaf Latif Shaikh is at liberty to move an appropriate application in Reg. Civil Suit No.452 of 2023 praying for appropriate reliefs.
- (ii) All contentions of the defendants (which includes the petitioner herein) in that regard are expressly kept open.
- (iii) Petitioners' representation dated 6 December 2024 made to the MIDC shall be considered by the MIDC. In the light of such representation, an appropriate view be taken on the communication of MIDC dated 29 November 2024 annexed at Exhibit – H to the present petition. A decision upon the representation be taken within a period of six weeks from today after hearing all the parties.
- (iv) Till a decision is taken on such representation, the MIDC as also the respondent no.1 are directed not to take any coercive action against the petitioners.
- (v) In the event, the decision of the MIDC is adverse to the petitioners, the same shall not be acted upon for two weeks after the communication of such decision.
- (vi) The petition accordingly stand disposed of, keeping open all contentions of the parties.
- (vii) The observations as made by us are in the context of the present proceedings, hence it is no reflection of any

opinion on the merits of the civil suits which are pending or any other proceedings as may be pending *inter se* between Mr. Altaf Latif Shaikh and the other Directors of petitioner no.2, as also any other pending legal proceedings.

(viii) Disposed of. No costs.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]