

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 12896 OF 2024

Shri Rajesh Gaikwad & Ors. ... Petitioners
versus
Managing Director,
City and Industrial Development
Corporation and Others ... Respondents

**WITH
WRIT PETITION NO. 16728 OF 2024**

Shri Rameshlal A Julka (HUF) ... Petitioner
versus
Managing Director,
City and Industrial Development
Corporation and Others ... Respondents

**AND
WRIT PETITION NO. 1165 OF 2025**

Shrimati Bimla R. Gupta (Jindal) ... Petitioner
versus
Managing Director,
City and Industrial Development
Corporation and Others ... Respondents

**AND
WRIT PETITION NO. 12778 OF 2024**

Mr. Vikas Mishra & Anr. ... Petitioners
versus
Managing Director,
City and Industrial Development
Corporation and Others ... Respondents

...

Mr.Pankaj Savant, Senior Advocate with Mr.Aliabbas Delhiwala and Mr.Annirudh Bhalwal i/b. Vyas & Bhalwal for the Petitioners in WP No. 12896 of 2024, WP No. 16728 of 2024, WP No. 1165 of 2025 and WP No. 12778 of 2024.

Mr.Tejesh Dande for Respondent No.2- Navi Mumbai Municipal Corporation.

Mr.Pranav Kokje i/b. Mr.Kaushal Dhondhe for Respondent No.4.

Mr.Rohit Sakhadeo for Respondent No.3 in WP No. 12896 of 2024, Respondent No.1 in WP No. 16728 of 2024 and for Respondent No. 1 in WP No. 1165 of 2025.

Mr.P.P.Kakade, Addl.GP with Mrs.Pooja Joshi Deshpande, AGP for the Respondent -State in WP Nos. 12896 of 2024, 16728 of 2024.

Mr.P.P.Kakade, Addl.GP with Mr.Abhijeet Naik, AGP for the Respondent - State in WP No. 1165 of 2025.

Mr.Bhushan Deshmukh with Mr.Harsh Choksi and Ms.Deshna Gala i/b. Kanga & Co. for Respondent No.3-Society.

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**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : DECEMBER 05, 2025

P.C:

1. In Writ Petition Nos. 12778 of 2024 and 12896 of 2024, when a Co-ordinate Bench [Coram: M. S. Sonak & Kamal Khata, JJ.] heard the learned Advocates for the respective sides on 18th September 2024, it was recorded that CIDCO desired to file a reply. Ad-interim relief was granted

after hearing the submissions of the learned Senior Advocate Mr. Savant for the Petitioners, as CIDCO was unable to make a statement.

2. It was further recorded that the Petitioners were occupying commercial premises, whereas, what was being offered to them were residential premises. Hence, it was recorded that if all commercial premises were disposed off, grave prejudice would be caused to the Petitioners.

3. The learned Senior Advocate, Mr. Savant, submits on behalf of the Petitioners in Writ Petition Nos. 16728 of 2024, and 1165 of 2025, that the Petitioners are entitled to the commercial premises admeasuring 560 sq. ft. and 716 sq. ft., respectively.

4. The learned Advocate for the Society submits that every tenement holder will get 560 sq. ft. of area.

5. As recorded by the Co-ordinate Bench in the order dated 18th September 2024, prejudice would be caused to the Petitioners if the land being used for commercial purposes is utilized or disposed off. Since all these matters are required to be heard finally, we deem it appropriate to

follow the same view taken by the Co-ordinate Bench. We, therefore, direct that the areas of 560 sq. ft. and 716 sq. ft., as claimed by the Petitioners in Writ Petition Nos. 12778 of 2024 and 1165 of 2025, shall not be disposed off by the Society or the developer until further orders.

6. List these Petitions, considering the convenience of the learned Advocates for the parties, on **29th January 2026 at 3:00 p.m.** for a final hearing at the admission stage.

7. All office objections, if any, shall be removed on or before 7th January 2026, failing which, the Petitions shall stand dismissed without reference to the Court, on 8th January 2026.

8. Navi Mumbai Municipal Corporation desires to file an affidavit in reply. The developer has also not filed an affidavit in reply. Both these Respondents shall file their affidavits in reply, on or before 23rd December 2025.

9. Rejoinder affidavit, if any, shall be filed on or before 14th January, 2026.

10. The learned Advocate for the Petitioners shall thereafter carry out the pagination of the Petitions paper book, by placing the affidavits in reply and rejoinder affidavits, date wise, in continuation with the pagination in the Petitions.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)