

Prajakta Vartak

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13107 OF 2024
WITH
INTERIM APPLICATION NO. 159 OF 2025**

M/s. Hindustan Builders ...Petitioner
Vs.
The State of Maharashtra & Ors. ...Respondents

Mr. Y. S. Jahagirdar, Senior Advocate with Mr. Jeetendra Sachhdev, Mr. Abubakar Patel, Mrs. Neha, Mr. Amey Sawant, Mr. Aniket Gharat i/b. JS Legal for the Petitioner.

Mr. Tejas Kapre for State.

Mr. G. S. Hegde, Senior Advocate i/b. Ms. P. M. Bhansali for the Respondent/CIDCO.

Mr. Tejesh Dande for Respondent No.5/NMMC.

**CORAM: G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.
DATED: 26 FEBRUARY 2025**

P.C.

1. This petition under Article 226 of the Constitution is filed praying for the following reliefs:-

- “a) rule be issued, records and proceedings be called for;
- b) by an appropriate writ, order or direction this Hon’ble Court be pleased to quash and set aside the Letter dated 12.09.2024 bearing Ref. No. CIDCO/M (TS-1)/2024/1725 issued by Respondent No.3 Estate Officer, (HQ), CIDCO;
- bb) by an appropriate writ, order or direction, this Hon’ble Court be pleased to quash and set aside the letter/order dated 11.02.2020 issued by Respondent No.4 bearing Ref No. CIDCO/MTS-I/2002/293/E3167 issued by Respondent No.4 the Manager (Town Services) I, CIDCO;
- c) by an appropriate writ, order or direction, this Hon’ble Court be pleased to direct the Respondent No.2 CIDCO to grant extension of about four (4) years to the Petitioner for completion of the construction of the said plot viz. Commercial Plot No. 68, admeasuring about 4000 sq. meters, at Sector 11, at CBD Belapur, Navi Mumbai, from the date of communication of grant of

clearance by MCZMA, without charging additional lease premium, and on such terms and conditions as this Hon'ble Court may deem fit and proper;

d) pending the hearing and final disposal of the writ petition, be pleased to stay the effect, implementation and execution of the Letter dated 12.09.2024 bearing Ref. No. CIDCO/M (TS-1)/2024 /1725 issued by Respondent No.3 Estate Officer, (HQ), CIDCO;

e) pending the hearing and final disposal of the writ petition, this Hon'ble Court be pleased to direct the Respondent Nos.2 to 4, not to take any coercive steps in the matter pursuant to Letter dated 12.09.2024 bearing Ref. No. CIDCO/M (TS-1)/2024/1725 issued by Respondent No.3 Estate Officer, (HQ), CIDCO;

f) interim/ad-interim relief in terms of prayer clauses (d) and (e) above, be granted.”

2. We have perused the earlier orders which are passed on the writ petition. We have heard learned counsel for the parties for sometime.

3. Considering the nature of the grievance of the petitioner, Mr. Jahagirdar, learned senior counsel for the petitioner submits that at the stage the proceedings stand as on date, the petitioner intends to make a representation to the Managing Director of the City and Industrial Development Corporation (Maharashtra) Ltd.-respondent within a period of two weeks from today, so that a decision on such representation can be taken. Mr. Hegde, learned senior advocate for the respondent-CIDCO is also not averse to the petitioner making such representation and a decision in that regard to be taken by the Chairman of the CIDCO.

4. In this view of the matter, further adjudication of this writ petition is not called for. It is accordingly disposed of in terms of the following order:-

ORDER

- i. The petitioner is at liberty to make a representation to the Chairman/Managing Director of the CIDCO within a period of two weeks from today.
 - ii. If such representation is made, the same be decided after an opportunity of a hearing is granted to the petitioner and in accordance with law.
 - iii. A decision on the representation be taken by the Chairman/Managing Director of the CIDCO within a period of six weeks from the date of submission of the representation.
 - iv. All contentions of the parties on the representation and its decision are expressly kept open.
 - v. Till the representation is decided and the decision is communicated to the petitioner, the ad-interim orders dated 19 September 2024 passed by this Court shall continue to operate.
 - vi. Disposed of in the aforesaid terms. No costs.
 - vii. Parties to act on an authenticated copy of this order.
5. Interim Application No. 159 of 2025 would not survive. It is accordingly disposed of.

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI, J.)