



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 159 OF 2025

IN

WRIT PETITION NO. 13107 OF 2024

WITH

WRIT PETITION NO. 13107 OF 2024

Vijay Lakhani

... Applicant

in the matter between

Hindustan Builders

... Petitioner

Vs.

The State of Maharashtra, through its Urban
Development Dept. & Ors.

... Respondents

Mr. Y.S. Jahagirdar, Senior Advocate a/w. Mr. Suresh Sabrad, Mr. Jeetendra Sachhdev, Mr. Abubakar Patel, Mr. Amey Sawant, Mr. Aniket Gharat i/b. J.S. Legal for the petitioner.

Mr. Dinkar Madon, Senior Advocate a/w. Ms. Sanchi, Mr. Muttahar Khan, Mr. Dharmesh S. Josh, Mr. Gulnar Khan, Mr. Ritesh Yadav, Ms. Supriya Harugade, Ms. Akshita Vakharia for the applicant.

Mr. G.S. Hegde, Senior Advocate a/w. Ms. P.M. Bhansali for the respondent-CIDCO.

Mr. Tejesh Dande for respondent no. 5.

Ms. Shruti D. Vyas, Addl. G.P. a/w. Mr. Y.D. Patil, AGP for the State.

**CORAM: G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.**
DATED: 4 FEBRUARY 2025

P.C.

1. This Interim Application has been filed by the applicant-Vijay Lakhani, who intends to intervene in the proceedings of the Writ Petition filed by M/s. Hindustan Builders challenging an action of the City Industrial and Development Corporation (Maharashtra) Ltd. (CIDCO) cancelling the lease which was entered between CIDCO and the petitioner-M/s. Hindustan Builders. It appears that there was a contract between the petitioner-Hindustan Builders and the applicant-

Vijay Lakhani. Disputes had arisen between the parties and in regard to which Vijay Lakhani has already taken recourse by filing a Special Civil Suit No. 578 of 2023 before the Court of Civil Judge, Senior Division, Thane. All rights and contentions *inter alia* between the applicant and petitioner are being espoused and asserted by the applicant in the said suit. As the rights of the applicant are purely contractual and which are being asserted under the terms and conditions of the Memorandum of Understanding entered between the said parties, we do not find that the applicant can have any role insofar as the present proceeding are concerned, as the applicant never had any privity in regard to the allotment of land in question with the CIDCO.

2. Thus, keeping open all contentions of the applicant in the pending Civil Suit and the proceedings thereunder, we would dismiss this Interim Application for intervention.

3. Accordingly Interim Application No.159 of 2025 for intervention stands dismissed. No costs.

4. Insofar as the petition is concerned, we adjourn the proceedings to **12 February, 2025 (H.O.B.)**.

5. Ad-interim relief, if any granted earlier, shall continue to operate till the adjourned date of hearing.

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI, J.)