

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

**WRIT PETITION NO. 2082 OF 2021
WITH
INTERIM APPLICATION NO. 1142 OF 2025
IN
WRIT PETITION NO. 2082 OF 2021**

Osho International Foundation .. Petitioner

Versus

The Additional Collector & Competent
Authority, Pune Urban Agglomeration
& Ors. .. Respondents

**Adv. S. R. Nargolkar a/w Adv. Arjun Kadam, Adv. Neeta Patil for the
Applicant/Petitioner.**

**Smt. S. D. Vyas, Addl. GP a/w Adv. Aditya Deolekar, AGP for
Respondents- State.**

**CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.
DATE: FEBRUARY 20, 2025**

P. C.

1. By this Petition, the Petitioner, *inter alia*, seeks to challenge the communication / Order dated 12th February, 2021 requiring the Petitioner to pay premium of Rs. 5,90,36,872/- for release of their entire land from the

clutches of the Urban Land Ceiling Act, 1976 and not the exempted (surplus vacant land) declared under the said Act.

2. According to the Petitioner, the premium payable to the Government under the notification dated 1st August, 2019 can only be for the surplus vacant land, admeasuring the 1000 sq. meters, in terms of the Order dated 4th May, 1991 passed under Section 8 (4) of the ULC Act. Since the Government was demanding the amount of Rs. 5,90,36,782/- as premium for the entire land i.e. for 9,836 sq. mtrs. the same was paid by the Petitioner under protest and the present Petition therefore seeks a refund of Rs. 5,30,34,672/- from the Government. These figures have been calculated at the rate of Rs. 6,002.11 per sq mtr., and which is the rate informed to the Petitioner by the Government, on the basis of which the Petitioner had paid the amount of Rs. 5,90,36,782/- under protest.

3. When this matter had come up on the earlier occasion, we were *prima facie* of the view that the issue involved in the present Petition is squarely covered by several judgments of this Court, starting from ***Salim Alimohomed Porbanderwalla and Another Vs. The State of Maharashtra and Another (2023 SSC Online Bom 731)***. After the judgment in ***Salim Porbanderwalla***, there have been several other decisions of this Court in

Modern Paints Vs. The State of Maharashtra and Anr. (Writ Petition (L) No. 2091 of 2023 decided on 9th August, 2023); Jemini Pradip Salot and Ors. Vs. State of Maharashtra and Anr. (Writ Petition (L) No. 20587 of 2023 decided on 9th August, 2023) ;Jaihind Oil Mills Company Vs. The Additional Collector and Competent Authority, ULC and Anr. (Writ Petition No. 641 of 2024 decided on 5th July, 2024); Huhtamaki India Ltd. Vs. The State of Maharashtra & Ors. (Writ Petition No. 2789 of 2024 decided on 15th July 2024); and Riyaz Ismail Machhiwala and Anr. Vs. State of Maharashtra and Anr.(Writ Petition No. 1125 of 2024 decided on 7th August, 2024).

4. Today when the matter is called out, Ms. Vyas, the learned AGP appearing on behalf of the Respondents, fairly stated that the issue in the present Petition is squarely covered by the decisions referred to above. She however, submitted that all the aforesaid Judgments have been challenged before the Hon'ble Supreme Court, and therefore, the above Writ Petition be adjourned *sine die* till a decision is rendered by the Hon'ble Supreme Court.

5. Having heard Ms. Vyas on this limited aspect, we are unimpressed by this argument. Though the Orders of this Court in the above referred matters may have been challenged before the Hon'ble Supreme Court, till date no stay has been obtained of the said Judgment and Orders.

We, therefore, do not think that this is a fit case where we keep this Writ Petition pending. This is more so when considers that this Writ Petition is of the year 2021, and the Government has been holding on to the money of the Petitioner (a charitable trust) for the last four years.

6. In these circumstances, we allow this Writ Petition by directing the Respondents to refund to the Petitioner the sum of Rs. 5,30,34,672 within a period of 8 weeks from today. If the aforesaid amount is refunded within a stipulated period, the Government shall not be liable to pay any interest on the aforesaid amount. However, if the aforesaid amount is not refunded within a period of 8 weeks from today, namely, on or before 17th April 2025, the Government will be liable to pay interest on the amount of Rs. 5,30,34,672 at the rate of 10% p.a. simple interest from 18th April 2025 till payment and/or realization. If this burden of interest is caste upon the Government, it will be free to recover the same from Officer/s concerned, if it so chooses to do.

7. Rule is made absolute in the aforesaid terms and the above Writ Petition is also disposed of in terms thereof. However, in the facts and circumstances of the present case, there shall be no order as to costs.

8. Though we have disposed of the above Writ Petition, we place it on Board “for reporting compliance” on 21st of April, 2025.

9. In view of the disposal of the above Writ Petition, nothing survives in the pending Interim Application and the same is disposed of accordingly.

10. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]