

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3074 OF 2025

Ramesh V. Somani

...Petitioner

Versus

The Additional Commissioner, Konkan Division & Ors. ...Respondents

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Mr. Girish Godbole, Senior Advocate i/b Bharat Jain, Shruti Salian & Raj Adhia i/b Economic Laws Practice, for the Petitioner.

Ms. M. S. Srivastava, AGP, for the Respondent Nos.1 to 3 – State.

Ms. Anita Bhaktwani, for Respondent No.2.

CORAM: MADHAV J. JAMDAR, J.

DATED: 15 APRIL 2025

P.C.:

1. Heard Mr. Girish Godbole, learned Senior Counsel appearing for the Petitioner and Ms. Anita Bhaktwani, learned Counsel appearing for Respondent No.2.

2. Mr. Girish Godbole, learned Senior Counsel for the Petitioner and Ms. Anita Bhaktwani, learned Counsel for Respondent No.2 raised several contentions. However, after arguing the matter for some time, Ms. Anita Bhaktwani, learned Counsel for Respondent No.2, as Court is inclined to set aside the impugned Order, on instructions, states that by consent impugned Order be quashed and set aside and Order of the Competent Authority be restored. She however submits that as the

Respondent No.2 has already filed Suit No.11 of 2025 in this Court, for a period of 3 months, the Order of the Competent Authority be directed to be not executed. She states that during said period an Interim Application filed in said Suit will be moved before the learned Single Judge seeking interim reliefs.

3. Mr. Girish Godbole, learned Senior Counsel, submitted that said period of 3 months be reduced to reasonable period and submits that even the Petitioner has no objection for setting aside impugned Order by consent.

4. Accordingly, following Order is passed by consent of both the parties :-

- i. By consent of the Petitioner and Respondent No.2, the impugned Order dated 20th January 2025 passed by the Additional Divisional Commissioner, Konkan Division, Mumbai in Revision Application No.836 of 2024 is quashed and set aside.
- ii. Resultantly, the Order dated 5th September 2024 passed by the Competent Authority, Rent Control Act Court, Konkan Division, Mumbai below Exhibit - 14 in Eviction Application No.100 of 2024 [Pages 435 – 436] and Order dated 5th September 2024 passed by the Competent Authority, Rent Control Act Court, Konkan Division, Mumbai in Eviction Application No.100 of 2024 [Pages 430 - 434] are restored.

5. Although Mr. Girish Godbole, learned Senior Counsel submitted that reasonable time be granted for the Petitioner to move Interim Application in said Suit No.11 of 2025 but not 3 months, in the facts and circumstances, the said Order dated 5th September 2024 passed by the Competent Authority, Rent Control Act Court, Konkan Division, Mumbai in Eviction Application No.100 of 2024 [Pages 430 - 434] be not executed for a period of 3 months from today. It is clarified that no further extension of said period will be granted.

6. It is further directed that, during the said period, Respondent No.2 shall not create any third party interest with respect to Flat No. E-5001 situated on the 50th Floor of the building known as “World One”, The World Towers, Senapati Bapat Marg, Lower Parel, Mumbai - 400 013.

7. Accordingly, Writ Petition is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]