Jvs.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

JAYANT VISHWANATH SALUNKE
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Date: 2025.04.30 00:15:07 +0530

WRIT PETITION NO. 5279 OF 2025

M/s. ION Infrastructure } Petitioner
versus
City and Industrial Development }
Corporation of Maharashtra & Ors. } Respondents

WITH
WRIT PETITION NO. 5472 OF 2025

M/s. Patel Developers } Petitioner
versus
City and Industrial Development }
Corporation of Maharashtra & Ors. } Respondents

Mr. Prashant Chavan, Senior Advocate with Mr. Sagar Kasar, Ms. Chaitali Bhogle, Mr. Vivekanand Krishnan and Ms.Rachana Harpale for petitioner in WP/5279/2025.

M4. Nishant Tripathi with Mr. Pranav Vaidya i/b. M. Tripathi & Co. for petitioners in WP/5472/2025 and for respondent no. 3 in WP/5279/2025.

Mr. Rahul Sinha i/b. DSK Legal for respondent no. 1 (CIDCO).

Ms. S. D. Vyas, Additional Government Pleader with Mr. Aditya R. Deolekar, AGP for respondent no. 4 in both petitions.

CORAM: ALOK ARADHE, CJ. &
M. S. KARNIK, J.

DATE: APRIL 28, 2025

ORDER: (Per Chief Justice)

1. Heard learned counsel for the parties.

2. Rule. Rule is made returnable forthwith. With consent of the learned counsel for the parties, heard finally.

3. In these writ petitions, the petitioners, *inter alia*, have assailed the validity of the order dated 1st April 2025 issued by the City and Industrial Development Authority (CIDCO) to the petitioners, by which agreements executed in favour of the petitioners for grant of lease in respect of the subject plots have been terminated on the ground that the petitioners have failed to develop the plots.

4. Learned counsel for the petitioners submitted that the petitioners could not commence/complete the construction work in view of the ad-interim order dated 27th November 2019 passed by the learned Single Judge in the Appeal from Order No. 39 of 2017, which was filed by respondent no. 3. Therefore, the action of CIDCO in cancelling the agreements in favour of the petitioners is arbitrary and unreasonable.

5. Learned counsel for the CIDCO, on instructions, submits that the CIDCO, which is a party in the aforesaid Appeal from Order, was also bound by the order of injunction. It is submitted that in view of the aforesaid order of injunction, the CIDCO has decided to withdraw the proceedings initiated by it for termination of the lease of the petitioners as well as the impugned order dated 1st April 2025.

6. The aforesaid submission is placed on record.

7. Accordingly, the writ petitions are disposed of.

(M. S. KARNIK, J.) **(CHIEF JUSTICE)**