

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5448 OF 2025

M/s. Sharda Constructions

...Petitioner

Vs.

The State of Maharashtra & Ors.

...Respondents

Mr. Ashok M Saraogi a/w Sushil Upadhyay and Priti Rao for the Petitioner.

Ms. P. J. Gavhane, AGP for the State-Respondent No.1.

Mr. G. S. Hegde, Senior Counsel a/w Rahul Sinha and Soham Bhalerao i/by DSK
Legal for Respondent No.2.

Mr. R. D. Soni a/w Sujay Gawade, Sumedha Dhopate, Mudita Pawar and Manasi
Sawant i/by Shree & Co. for Respondent No.3.

CORAM : G. S. KULKARNI &

ADVAIT M. SETHNA, JJ.

DATE : 23 APRIL 2025

P.C.:-

1. This petition under Article 226 of the Constitution of India was filed
praying for the following substantive relief:-

*“a) that this Hon’ble Court be pleased to issue appropriate writ, order and
direction directing the quashing of the alleged letter of termination dated 1st
April, 2025 issued by the office of the Respondents No.2 appearing at **Exhibit-I**
to the Petition on such terms as this Hon’ble Court may deem fit and proper.”*

2. As fairly pointed out by Mr. Saraogi, learned counsel for the
petitioner, the concern of the petitioner is in the context of an order dated 9 April
2025 passed by this Court in the writ petition filed by respondent no.3-society,

namely, Writ Petition No.4842 of 2025, in which, this court in paragraph 3 made the following observations:-

“3. In the meantime, if the Petitioners are ready and willing to make the payment of the deficit/additional lease premium and satisfy the demand, which were raised by the CIDCO, they are free to take an appropriate position. In the event the Petitioners approach the Competent Officer, he shall take an appropriate view of the matter and make an endeavour to resolve the issues.”

3. It is also informed to us by Mr. Saraogi that there is a Civil Suit pending before the Court of Civil Judge Senior Division, Panvel between the petitioner and respondent no.3-society being Special Civil Suit No.49 of 2011. In our opinion, whatever rights *inter se* between the petitioner and respondent no.3-society qua the agreement as entered between them are subject matter of consideration of the civil court in the pending Suit. Such rights and conditions need to be asserted in the said Civil Suit.

4. Our observations made in paragraph 3 are in no manner a reflection on the *inter se* dispute between the petitioner and respondent no.3. In this view of the matter, we are not inclined to entertain this petition. We dispose of this petition with liberty to the petitioner as also to respondent no.3 to assert their contentions in the pending Civil Suit. All contentions in that regard are expressly kept open.

5. Petition stands disposed of in the aforesaid terms. No costs.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]