

Jvs.

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

WRIT PETITION NO. 5579 OF 2025

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Life Guard Medical Foundation	}	Petitioner
versus		
The City and Industrial Development Corporation of Maharashtra & Ors.	}	Respondents
	}	

Mr. Atul Rajadhyaksha, Senior Advocate with Mr. Akhilesh Dubey, Mr. Vagish Mishra, Mr. Amit Dubey and Mr. Uttam Dubey i/b. Law Counsellors for petitioner.

Mr. G. S. Hegde, Senior Advocate with Mr. Rahul Sinha i/b. DSK Legal for respondents 1 to 4 (CIDCO).

Mr. Kedar Dighe, Additional Government Pleader with Ms. Vrishali Raje, AGP for respondent no. 5.

**CORAM: ALOK ARADHE, CJ. &
M. S. KARNIK, J.
DATE: MAY 6, 2025**

ORDER: (Per Chief Justice)

- 1.** Heard learned counsel for the parties.
- 2.** Rule. Rule is made returnable forthwith. With consent of learned counsel for the parties, heard finally.
- 3.** In this writ petition, the petitioner, which is a registered public charitable trust under the provisions of the Maharashtra Public Trust Act, 1950, has assailed the validity of the order dated 1st April 2025, in which agreement for lease dated 28th March 1994 executed in favour of the petitioner in respect of Plot No. 45, Sector 7, Vashi, Navi Mumbai (hereinafter referred to as "the subject plot"), has been terminated on the ground

that the petitioner has failed to complete/commence the construction work.

4. Learned senior counsel for the petitioner has raised a singular contention that neither the documents referred to in the show-cause notice dated 27th February 2025 have been supplied to the petitioner nor the show-cause notice dated 27th February 2025 has been served on the petitioner which led to passing of the impugned order dated 1st April 2025. It is, therefore, contended that the impugned order has been passed in flagrant violation of the principles of natural justice.

5. Learned senior counsel for the City and Industrial Development Corporation of Maharashtra (CIDCO) has fairly admitted that the copy of the show-cause notice dated 27th February 2025 was not served on the petitioner, however, it is pointed out that a show-cause notice, which was issued to the petitioner in the year 2012, was served on it. Learned senior counsel further submits that the petitioner shall supply the documents annexed to the show-cause notice dated 27th February 2025 to the petitioner.

6. In response, learned senior counsel for the petitioner undertakes that the petitioner/its authorized representative shall appear before the competent authority of CIDCO on such date as may be fixed by this Court.

7. We have considered the rival submissions made by both sides.

8. Admittedly, the show-cause notice dated 27th February 2025 was not served on the petitioner, which has led to passing of the impugned order dated 1st April 2025. Therefore, the

impugned order dated 1st April 2025 cannot sustain in the eyes of law. It is, accordingly, quashed and set aside and the following directions are issued: -

(i) The authorized representative of the petitioner shall appear before the competent authority of CIDCO on 19th May 2025 at 11.00 a.m.

(ii) On the appearance of the petitioner, a copy of the show-cause notice dated 27th February 2025 as well as the documents annexed with the aforesaid show-cause notice shall be supplied to the authorized representative of the petitioner.

(iii) The petitioner/its authorized representative shall file a reply to the show-cause notice within a period of two weeks therefrom.

(iv) The competent authority of CIDCO thereafter shall hear the petitioner/its authorized representative and shall pass an order afresh.

(v) Till the fresh order is passed and conveyed to the petitioner, the status quo as it exists today in respect of the subject plot shall be maintained.

9. Rule is made absolute in the aforesaid terms. The writ petition is disposed of.

10. It is made clear that this Court has not expressed any opinion on the merits of the case.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)