

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4507 OF 2018

L.I.G.-1 Konkan Vasahat CHSL

Through Its Chairman

...Petitioner

Versus

State Of Maharashtra & Ors.

...Respondents

WITH

INTERIM APPLICATION NO. 6611 OF 2025

IN

WRIT PETITION NO. 4507 OF 2018

Mr. Shubham Bane a/w S. Jadhav, Pooja Bane i/b Sandeep Bane for the Petitioner.

Mr. A. I. Patel, AGP a/w Ms. M. P. Thakur, AGP for Respondent-State.

CORAM: G. S. KULKARNI &
ARIF S. DOCTOR, JJ.

DATE: 10th JUNE 2025

P.C.

1. After this Petition was heard for some time, learned Counsel for the Petitioner, on instructions, seeks leave to withdraw the Petition, with liberty to the Petitioner to file appropriate proceedings to canvass the larger issues on redevelopment.

2. We may observe that, insofar as the transit rent is concerned, Arbitration Petition No. 216 of 2019 was moved before this Court, in which orders came to be passed on 23rd January, 2019 and thereafter on 14th March, 2019. The order dated 14th March, 2019 was challenged by the developer before the Division Bench of this Court in the Appeal (L) No. 202 of 2019, which came to be dismissed.

3. We are fairly informed by Mr. Bane, learned Counsel for the Petitioner, that the arbitrator who came to be appointed by order dated 3rd July, 2019 passed by the

learned Single Judge of this Court in Arbitration Petition No. 51 of 2019, is seized with the arbitration proceedings. One of the issues in the said arbitration is also in regard to the recovery of the transit rent. If that be the situation, in our opinion, the Petitioner needs to pursue its claim in regard to the transit rent in the arbitration proceedings.

4. However, as noted herein above, in regard to the larger issues, if any, the Petitioner has any other legal rights, the Petitioner is free to take recourse of appropriate remedy as known to law. All contentions of the parties in that regard are expressly open.

5. Disposed of in the aforesaid terms.

6. No costs.

7. In view of the above order, Interim Application does not survive and the same is accordingly disposed of.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)