

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

**INTERIM APPLICATION (St.) NO. 6381 OF 2025
WITH
REVIEW PETITION (St.) NO. 6376 OF 2025
IN
PUBLIC INTEREST LITIGATION NO. 28 OF 2019**

M/s. Progressive Homes

... Review Petitioner

IN THE MATTER BETWEEN

Indian Institute of Architects

... Petitioner

Vs.

The City and Industrial Development Corporation & Ors.

... Respondents

**WITH
INTERIM APPLICATION (St.) NO.7806 OF 2025
WITH
INTERIM APPLICATION NO. 7807 OF 2025
WITH
REVIEW PETITION (St.) NO. 1719 OF 2025
IN
PUBLIC INTEREST LITIGATION NO. 28 OF 2019**

Mr. Aspi Chinoy, Sr. Adv. a/w Mr. Girish Godbole, Sr. Adv. a/w Mr. Nachiket Khandalkar, Ms. Shamim Shaikh i/b Mr. Vijay K. Aggarwal for the Petitioner in RPW(St). 6376 of 2025 in PIL/28/2019 and Applicant in IA(St.)/6381-2025.

Mr. Ravi Prakash, Sr. Adv. a/w Mr. Farman Ali, Sagar Shetty, Rahul Sinha, Soham Bhalerao, Harshil Tyagi i/b DSK Legal for CIDCO/Petitioner in RPI(St.)/1719/2025 and Applicant in IA(St)/7806/2025 and IA/7807/2025.

Mr. Indrajeet Kulkarni, for Respondent No.1/Org. Petitioner.

Mr. Manish Pabale, AGP for State – Respondent Nos.2, 4, 6 & 7.

Mr. Tejesh Dande a/w Bharat Gadhavi, Aniket Shitole for Respondent No.3/Navi Mumbai Municipal Corporation.

Mr. Vijay Kumar Aggarwal a/w Ms. Shamim Shaikh for the Respondent No.5 in Review Petition (St.) No.1719 of 2025.

Ms. Nilima Sangilkar for Respondent No.8.

Mr. Shivraj Borade, Law Officers, JOTP, Konkan Division Present.

**CORAM: G. S. KULKARNI &
JITENDRA JAIN, JJ.**

DATE: 01 AUGUST 2025

P.C.

1. On the backdrop of our order dated 11 July 2025, the proceedings are listed before us today.

2. Our order dated 11 July 2025 directing the State Government to place on record an affidavit, is as clear as the sunlight, there was no ambiguity whatsoever, however, most unfortunately what has transpired is that instead of a compliance affidavit being filed, as to what was expected of such order, an affidavit is filed by one Shri. Shrikant Marutirao Deshmukh, who has described himself to be the Joint Director, Town Planning, Konkan Division, with which we are quite astonished when we see its contents. Under the garb of this affidavit and that too in review proceedings and completely contrary to the plain observations of the orders passed by the Court. which were plainly intended to implement the judgment under review, we note that certain materials are sought to be inserted, so as to create unwarranted situations, cause uncertainty and ambiguity, instead of complying with our judgment and order dated 13 July 2025 rendered by the Court on the Writ Petitions, which has attained finality in view of the Supreme Court rejecting the Special Leave Petitions filed by the CIDCO as also of the Developers.

3. It was agreed by the CIDCO that free, unencumbered clear land admeasuring 8 hector (20 Acres) would be demarcated by the CIDCO i.e. which would be handed over to the State Government for the purpose of the "Government of Maharashtra Sports Complex", as directed by this Court in its Judgment and order dated 1 July 2024. There was no ambiguity whatsoever in respect of the quantum of the land and its measurement to be handed over by the

CIDCO to the State Government. It is in such context, further exercise as informed and noted by us in our order dated 11 July 2025 was required to be undertaken.

4. On pointing out the paragraphs/contents of the said affidavit which are objectionable, Mr. Pabale, learned AGP has fairly stated that this affidavit would not be pressed and/or be discarded and the same be not considered for any purpose whatsoever, as if it is not part of the record. He states that a fresh affidavit would be filed on the basis of the demarcation and appropriate fencing of the clear, free and unencumbered land to be made available by the CIDCO for the Government Sports Complex. We accept Mr. Pabale's statement. We would hence expect, that a clear unambiguous and proper affidavit is filed by the concerned officials, as we have serious doubt about the purpose with which Shri. Shrikant Marutirao Deshmukh had attempted to file such affidavit. Mr. Chinoy, learned senior counsel for the developer has also raised a contention that the said affidavit is mischievous.

5. In this view of the matter, we adjourn the proceedings for three weeks, so as to enable the CIDCO and the State Government to jointly undertake the fencing and demarcation of such land, free from any encumbrance or any legal or administrative impediments, to be handed over to the State Government for the purpose of State's Sports Complex and an affidavit to this effect be placed on record.

6. The CIDCO would also place on record, a short affidavit, that the demarcation and the fencing of the land admeasuring 8 hector (20 Acres) to be

handed over to the State Government, is of the clear land, free from any encumbrance as also free from any legal and administrative impediments.

7. Once all the relevant facts of the fencing and the description of such clear land being available, is placed on record on such affidavits, the same can be verified by an officer appointed by the Court which would be in the interest of all the parties.

8. With the aforesaid directions, we adjourn the proceedings.

9. The affidavit, which would now be filed on behalf of the State Government as also the CIDCO, to be served on the advocates for the parties 48 hours prior to the adjourned date of hearing.

10. Stand over to **22 August 2025** at 5.15 p.m.

(JITENDRA JAIN, J.)

(G. S. KULKARNI, J.)