Ashwini

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

ASHWINI PRASAD NARHIRE
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Date: 2026.10.01 18:56:11 +0530

WRIT PETITION NO. 1114 OF 2026

M/s Grow India Realcon LLP
through its Partner

...Petitioner

Versus

Narender Suresh Gadade & Ors. ...Respondents

...

Mr. Pralhad Paranjape, a/w Adv. Rupesh Geete and Adv. Avesh Ganga, i/by Satyaki Law Associates for the Petitioner.

Mr. Rohan Mahadik, a/w Mr. Bhavin Vora, Ms. Nikitha Butty and Ms. Bharvi M. Samel for Respondent No.1.

Adv. Leena Patil, a/w Mr. Rohin Chauhan for Respondent No.2.

Mrs. Neha S. Bhide, GP, a/w Mr. O. A. Chandurkar, Addl. GP and Ms. P. J. Gavhane, AGP for Respondent Nos.3 to 5 and 10.

Adv. Jaya Bagwe, a/w Adv. Manthan Joil for Respondent Nos. 6, 7 and 8.

Adv. Kedar B. Dighe for Respondent No.9-MMRDA.

...

CORAM : MAHESH CHANDRA TRIPATHI, CJ. &
ADVAIT M. SETHNA, J.

DATE : 1st OCTOBER, 2026.

P.C.:

1. We have heard learned counsel for the parties.

2. This instant Writ Petition is preferred by the Petitioner, for the following substantive relief:

> "(a) This Hon'ble Court be pleased to issue a Writ of Certiorari or a Writ in the nature of Certiorari or any other appropriate Writ, Order or direction calling for the records and proceedings pertaining to the Impugned Order dated 12th November 2025 (Exhibit A hereto), and after considering the legality and validity thereof, be pleased to quash and set aside the same."

3. Mr. Prahlad Paranjape, learned counsel for the Petitioner has invited our attention to paragraph 9 of the Impugned Order dated 12th November 2025, passed by the National Green Tribunal, Western Zone Bench, Pune, which reads thus:

> "9. Based on the above submissions, we admit this appeal, subject to the decision on delay condonation application."

4. Mr. Paranjape would thus urge that, the Appeal filed by the Respondent No.1 was admitted without first deciding the application for condonation of delay in filing the said Appeal. Such approach, according to Mr. Paranjape, would run contrary to the decision of a Division Bench of the Allahabad High Court in ***Ram Prakash Vs. Deputy Director of Consolidation, Hardoi and Others***[1] read with the decision of the learned Single Judge of this Court in ***Lakadya Dharma Vartha Dec Thr. Legal Heir And Ors.***

[1] Consolidation No. - 6574 of 2016 dated 3rd February 2022.

Vs. Shaikhali Shaikh Mohamed Varekar Dec Thr Legal Heir and Ors.[2]

5. Per contra, the learned counsel for the Respondents would jointly submit that there is an alternate efficacious remedy available against the Impugned Order before the Supreme Court, which is not exhausted by the Petitioner. In view thereof, the Petition deserves to be dismissed. In any event, the objections raised by the Petitioner in this proceeding can also be raised in Appeal.

6. After substantial arguments, Mr. Paranjape would fairly submit that the Petitioner would, in the given facts and circumstances, file an appropriate Application for Review of the Impugned Order before the National Green Tribunal, under Section 19 (4)(f) of the National Green Tribunal Act, 2010. He would seek appropriate leave of this Court to avail of such remedy.

7. Upon hearing the learned counsel for the parties and on perusal of record, in our considered view interest of justice would be served by disposing of this Petition, with liberty to Petitioner to prefer an appropriate Application for Review of the Impugned Order before the National Green Tribunal, under Section 19 (4) (f) of the Act (Supra). In this regard, if such Review Application is preferred by the Petitioner within two weeks of the date of uploading of this

[2] Writ Petition No.3753 of 2024 decided on 14th October 2024.

Order, the period of limitation envisaged under Rule 22 of the National Green Tribunal (Practices and Procedure) Rules, 2011 will not come in the way of the Petitioner in deciding the Review Application, as the Petitioner has been bona fide pursuing this proceeding.

8. This Order has been passed with the due assistance of the learned counsel appearing for the Respondents.

9. With the above observations and directions we dispose of this Petition without adverting to the merits of the rival contentions which are kept open to be urged before the appropriate forum/authority, in accordance with law.

[ADVAIT M. SETHNA, J.] **[CHIEF JUSTICE]**