IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10716 OF 2019

The Brihan Maharashtra Sugar Syndicate Ltd. through Director Mr. Ashutosh D. Agashe ***...Petitioner***

: Versus :

Union of India through Secretary for Ministry of Housing and Urban Affairs and Ors. ***...Respondents***

Alongwith

WRIT PETITION NO. 10715 OF 2019

Baumgartten Wallia Pvt. Ltd., through Director Mr. Eknath Hosbett ***...Petitioner***

: Versus :

Union of India, through Secretary for Ministry of Housing and Urban Affairs ***...Respondents***

Mr. Pranay Kothari *i/b. Mr. Shailendra S. Kanetkar, for the Petitioner.*

Mr. K.N. Kandekar *a/w. Ms. Janhavi K. and Ms. Akanksha Nath, for the Respondents.*

CORAM: SANDEEP V. MARNE, J.

DATED: 1 OCTOBER 2026.

P.C.:

1) These petitions are filed challenging the order dated 26 February 2019 passed by the Estate Officer of the Respondent condoning the delay in taking on record the outcome of review proceedings and permitting eviction proceedings to proceed further.

2) It appears that the concerned premises were allotted by the Respondent-Insurance Company to Baumgartten Wallia Pvt. Ltd. It is the allegation that the said Baumgartten inducted the Brihan Maharashtra Sugar Syndicate Ltd as the occupant in the premises. When eviction proceedings were initiated, it appears that Petitioners relied upon directives issued by the Government of India not to evict lawful tenants by having recourse to the provisions of Public Premises (Eviction of Unauthorised Occupants) Act, 1971 Accordingly, Respondent-Insurance Company was directed to review its decision to maintain eviction proceedings in respect of the premises. It appears that Respondent-Insurance Company took a decision to continue the eviction proceedings on account of induction of Brihan Maharashtra Sugar Syndicate Ltd. by Baumgartten. By condoning the delay, the report of the review proceedings submitted by the Respondent-Insurance Company is taken on record and the Estate Officer directed further continuation of the eviction proceedings. Petitioners are aggrieved by the said course of action adopted by the Estate Officer and have filed the present petitions.

3) As hearing of the petitions progressed, the learned counsel appearing for the Petitioner, on instructions submits that the premises

are in possession only of Baumgartten and that Brihan Maharashtra Sugar Syndicate Ltd. does not physically occupy the premises. He further submits that Baumgartten is willing to handover possession of the premises to the Respondent-Insurance Company. Once possession is handed over to the Respondent-Insurance Company, nothing really would survive in the eviction proceedings. So far as arrears of rent is concerned, parties are free to negotiate the said issue.

4) Accordingly, I proceed to pass the following order :

(i) Statement made on behalf of the Petitioners that the possession of the premises shall be handed over to the Respondent-Insurance Company by 20 October 2026 is accepted and recorded. Accordingly, the Petitioners shall handover possession of the premises on/or before 20 October 2026.

(ii) Parties shall hold negotiations with regard to the issue of past rent/damages.

(iii) In the event negotiations relating to rent do not fructify into successful settlement, the Respondent-Insurance Company shall be free to adopt such proceedings as may be available in law for recovery of rent/damages.

5) With the above directions, both the Writ Petitions are **disposed of.**

NEETA SHAILESH SAWANT
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Date: 2026.10.05 15:13:14 +0530

[SANDEEP V. MARNE , J.]