

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15523 OF 2025

Dicet Creators & Innovators (India) Pvt Ltd .. Petitioner

Versus

The Collector, Mumbai & Ors. .. Respondents

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- Mr. Sharan Jagtiani, Senior Advocate a/w Ms. Shradha Achliya, Ms. Priya Gada, Mr. Ritwik Kulkarni i/by Pushpvijay Kanoji, Advocates for Petitioners
- Mr. Aseem Naphade a/w Dr. Dhruti Kapadia, AGP for Respondent No. 1
- Mr. Venkatesh Dhond, Senior Advocate a/w Mr. Rohan Kanade, Ms. Rashmi Raghavan, Mr. Amol Bavare, Mr. Krishnan Iyer & Mr. Rahul Pragnya Legal, Advocates for Respondent No. 2 - NCPA
- Mr. Jarin Mukesh Doshi i/by M/s. Malvi Ranchoddas & Co., Advocates for Respondent No. 3
- Ms. Ruchita Chavan, Advocate for Respondent Nos. 4 & 5

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 17, 2026

P. C.:

1. Heard Mr. Jagtiani, learned Senior Advocate appearing for Petitioners; Mr. Napahde a/w Dr. Kapadia, learned AGP for Respondent No. 1 - State; Mr. Dhond, learned Senior Advocate for Respondent No. 2 - NCPA; Mr. Doshi, learned Advocate for Respondent No. 3 and Ms. Chavan, learned Advocate for Respondent Nos. 4 and 5.

2. On 11.02.2026 the following order was passed by this Court:-

"1. Not on Board. Mentioned by way of filing praecipe dated 11.02.2026. Perused the praecipe.

2. *Heard Ms. Achliya, learned Advocate for Petitioner and Mr. Kadam, learned Advocate for Respondents.*

3. *Ms. Achliya would submit that impugned order has been passed by Collector on 15.10.2025 and it is totally without jurisdiction.*

4. *Mr. Kadam, learned Advocate enters appearance for private Respondents on notice. He would submit that there is efficacious remedy of filing Appeal under Section 274 of the Maharashtra Land Revenue Code, 1966 available to Petitioner to challenge the said order before Maharashtra Revenue Tribunal.*

5. *Ms. Achliya does not dispute this fact but submits that since the impugned order is wholly without jurisdiction, this Court should entertain the Petition since in a similar case a co-ordinate bench of this Court (Coram : Kamal Khata, J.) has entertained an identically placed case in respect of a Tata Group Company.*

6. *Be that as it may, if Petitioner makes a statement that they shall approach the Maharashtra Revenue Tribunal, this Court shall direct the proceedings to be disposed of within a strict time bound programme and as expeditiously as possible by keeping all contentions open.*

7. *Petitioner shall take instructions and accordingly apprise the Court on the next adjourned date.*

8. *Needless to state that no coercive steps shall be taken by the Collector in the meanwhile against the Petitioner in furtherance of the impugned order and time spent in prosecuting this Petition shall also be condoned in filing the appeal before the Maharashtra Revenue Tribunal.*

9. *Stand over to 17th February 2026. To be placed under the caption 'First on Board'.*

10. *Praecipe is disposed."*

3. Mr. Jagtiani would submit that Petitioner shall challenge the impugned order before the Maharashtra Revenue Tribunal (for short "**MRT**") in Statutory Appeal proceeding under the Maharashtra Land Revenue Code, 1966 (for short "**MLRC**") in accordance with law. In that view of the mater, impugned order dated 15.10.2025 passed by Collector shall be assailed by the Petitioner by filing the Statutory Appeal within a period of one week from today along with appropriate Stay Application. Needless to state that no coercive steps shall be

taken against the Petitioner in furtherance of the impugned order for recovery or in respect of the subject flat as directed herein under. If such Appeal is filed, learned MRT is directed by this Court to dispose of the same as expeditiously as possible and in any event within a period of four weeks from the date of its filing. All contentions of parties are expressly kept open.

4. Mr. Dhond, learned Senior Advocate appearing for the Society would submit that under the provisions of MLRC, if Statutory Appeal is filed by the Petitioner before the MRT, Petitioner may not be protected insofar as deposit of any amount is concerned before hearing of the Appeal. Said submission made by Mr. Dhond is vehemently objected to by Mr. Jagtiani. However, that will be the sole prerogative or discretion of the MRT in accordance with law if the parties thereto apply in that regard.

5. Ms. Chavan, learned Advocate appears for Respondent Nos. 4 and 5 who are the vendors of Petitioners. She would submit that the liability is attempted to be enforced on the transferors i.e. vendors of Petitioner i.e. Respondent Nos. 4 and 5 by the Petitioners. Hence, Respondent Nos. 4 and 5 are also permitted to appear and file appropriate affidavit in reply before the MRT.

6. After hearing the learned Advocates appearing for the respective parties and perusing the previous order passed by this Court, following directions are passed and Petition is disposed:-

- (i) Order dated 15.10.2025 passed by the Collector shall be challenged in the Statutory Appeal proceeding to be filed by Petitioner within a period of one week from today;
- (ii) If the Appeal is filed, Respondents therein are directed to file affidavit in reply within a period of one week thereafter. Rejoinder, if any, shall be filed before the MRT within one week thereafter;
- (iii) Once pleadings are completed, learned MRT is directed to dispose of the said Appeal within a period of four weeks thereafter;
- (iv) If order passed by learned MRT is adverse to the Petitioner, same shall not be executed for a period of two weeks to enable the Petitioner to take appropriate recourse to law;
- (v) All contentions of parties are expressly kept open;
- (vi) In the meanwhile, no coercive steps shall be taken against the Petitioner for a period of nine weeks from today which shall be subject to the decision in the Appeal.

7. With the above directions, Petition is disposed.

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[MILIND N. JADHAV, J.]

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by RAVINDRA
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