

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.13894 OF 2025
IN
WRIT PETITION NO.8318 OF 2022

Yogesh Trikamlal Vani (HUF)	...Applicant
<i>Versus</i>	
M/s. Sun Pharmaceutical Industries Ltd.	...Respondent

Ms. Neelam Chavan, for the Applicant.
Mr. Aditya Udeshi a/w. Mr. Rahul Sanghni i/b. M/s. Sanjay Udeshi
and Co., for the Respondent.

CORAM: MADHAV J. JAMDAR, J.
DATED : 2nd FEBRUARY 2026

P. C.:

1. The Applicant who is the original Respondent No.1 in Writ Petition No.8318 of 2022 by the present Interim Application has sought the relief of withdrawal/refund of amount of Rs.48,67,000/- deposited by the Respondent before this Court on 3rd August 2022 in terms of the directions of the Court dated 22nd July 2022.

2. Perusal of the record shows that the Writ Petition No.8318 of 2022 has been filed challenging the legality and validity of the

order dated 28th September 2021 passed by the Competent Authority, Rent Control Act Law Court, Konkan Division at Mumbai in Eviction Application No.38 of 2020. The Operative Part of the said order dated 28th September 2021 reads as under:

“ORDER

I. The application is allowed.

II. The respondents are directed to hand over vacant and peaceful possession of Flat No.B/404, admeasruing area boave 525 sq.ft. situated at Maheshwari Nagar, ABC Co-operative Housing Society Ltd., situate at MIDC Road No.16, Marol, Andheri (East), Mumbai- 400 093 within 30 days to the applicant.

III. The respondent no.1 is directed to pay a license fee at the double rate i.e. $15,500 \times 2 = 31,000/-$ per month from 27.06.2009 to till handing over the vacant and peaceful possession of application premises to the applicant as damages.”

3. A learned Single Judge by order dated 22nd July 2022 has *inter alia* passed the following order:

3. In accordance with the said Minutes of Order, the Petitioner shall deposit an amount of Rs. 48,67,000/- with the Registrar, High Court. The amount so deposited to be invested in interest being investments/deposits as per rules and to be disbursed subject to the final outcome of the proceedings before the Competent Authority or further orders of this Court in the matter provided hereinafter.

4. Upon the final disposal of the proceedings before the Competent Authority, if Respondent no. 1 is held to be entitled to the said amount, then the said amount with interest to be made over to the Respondent No. 1 upon an appropriate application made in that behalf to this Court. If the Petitioner is held to be entitled to the said amount, then the said amount with interest to be made over to Petitioner upon an appropriate application made in that behalf to this Court.

5. In this view of the matter, the impugned order dated 28th September, 2021 with respect to Direction No. III and the impugned order dated 4th May, 2022 are hereby set aside and the matter is remanded back to the learned Competent Authority, Konkan Division at Mumbai to decide the matter.”

4. Ms. Chavan, learned Counsel appearing for the Applicant submits that pursuant to said order dated 22nd July 2022 passed by the learned Single Judge, Competent Authority Rent Control Act Court, Konkan Division, Mumbai by order dated 11th April 2025 has passed the following Operative Order:

“ORDER

The respondent no.1 i.e. M/S Sun Pharmaceutical Industries ltd. is liable to pay the license fees to the applicant Yogesh Vani at the rate of double of license fees i.e. Rs.31000/- per month (15500x2=31000) from 27.06.2009 to 17.05.2023.”

5. Thus, in terms of the order dated 22nd July 2022 passed by a learned Single Judge in Writ Petition No.8318 of 2022 and subsequent order dated 11th April 2025 passed by the Competent Authority, Rent Control Act Court, Konkan Division, Mumbai, the Interim Application is allowed in terms of prayer clause (b), which reads as under:

(b) That as per direction of this Hon'ble court order dated 22nd July 2022 in above-mentioned Writ Petition, this Hon'ble Court may be pleased to allow to withdrawal refund the amount of Rs.48,67,000-deposited by the Respondent before this Hon'ble court on 3rd August 2022 bearing receipt no.C-1320/2022 to the applicant along with interest thereof till today."

6. Thus, the Interim Application is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]

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