

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.16779 OF 2025
WITH
INTERIM APPLICATION NO.3275 OF 2026
IN
WRIT PETITION NO.16779 OF 2025

Ganesh Vitthal Talekar and Ors.

.. Petitioners

Versus

Sandeep Suresh Talekar and Ors.

.. Respondents

.....

- Mr. Aseem Naphade a/w. Mr. Samir Suryawanshi and Ms. Bhakti Wast, Advocates for Petitioners.
- Mr. Pratap Patil, Advocate for Respondent No.1.
- Mr. A. I. Patel, Addl. G.P. a/w. Mr. Hamid Mulla, AGP for Respondent Nos.2 to 4.

.....

CORAM : MILIND N. JADHAV, J.

DATE : MAY 05, 2026

P.C.:

1. Heard Mr. Naphade, learned Advocate for Petitioners and Mr. Patil, learned Advocate for Respondent No.1 and Mr. Patel, learned Addl.G.P. for Respondent Nos.2 to 4.

2. On 20.04.2026, following order was passed:-

"1. Heard Mr. Naphade, learned Advocate for Petitioner and Mr. Mulla, learned AGP for the State.

2. Interim Application mentioned at the time of rising due to exigency expressed by Mr. Naphade in the present case. He would submit that in view of the order dated 12.12.2025, the order dated 08.09.2025 cancelling the Commencement Certificate (for short 'CC') of Petitioners in respect of the development undertaken on the Suit plot is affecting the Petitioners and therefore in order to vacate the order of cancellation of CC by the Corporation, the fresh Interim Application is filed.

3. It is seen that CC was granted by the Corporation on

22.10.2024, inter alia, permitting the Petitioners to complete the construction work.

4. Considering the exigency suffered by Petitioners in view of the aforesaid issue, issue notice to private Respondents. Humdast permitted.

5. In addition to Court notice, Petitioners / Applicants are permitted to serve copy of Interim Application, Writ Petition and this order on private Respondents inform them about the next date of hearing by any permissible mode of service and file appropriate Affidavit of service with tangible proof thereof on or before the next date.

6. After receiving notice, private Respondents are directed to take cognizance of the Interim Application and this order and accordingly apprised the Court on the next adjourned date. If they have any objection for the completion of the work in respect of which CC was granted.

7. Needless to state that there is already a Civil Suit pending between the parties which is filed by Respondents being Plaintiff therein and their Exhibit '5' Application has been rejected as informed by Mr. Naphade.

8. In that view of the matter, cancellation of the CC order prima facie affects the substantive rights of Petitioners because the Petitioners have already undertaken the construction and invested substantially therein.

9. Mr. Naphade, on the contrary would submit that the entire construction of the Petrol Pump premises is fully completed and therefore with every passing day it is detrimental to the prospect and substantive right of the Petitioners. He would also submit that when the Interim Application is heard, after hearing the parties the Court can put Petitioners to appropriate terms also especially in view of the fact that the facts in the present are extremely strong as opined by this Court in the order dated 12.12.2025. He would submit that the case of Petitioner stands fully covered by a recent judgment of this Court in the case of **Hemant Prabhakar Gangal and Ors. Vs. The State of Maharashtra and Ors.**¹ (Writ Petition No.13065 of 2024 decided on 08.12.2025.)

10. In that view of the matter, copy of this order and Interim Application shall be served on the private Respondents. Private Respondents are directed to file their respective Affidavit-in-Reply to the Interim Application within a period of two weeks from today and apprise the Court about their objection, if any.

11. On the next adjourned date, though Mr. Naphade has persuaded the Court to consider stay of the cancellation of the CC order dated 08.09.2025 since passing of the said order is linked to the substantive case of the Petitioners in the Petition, the same shall be considered on the next adjourned date after hearing the private Respondents.

12. In view of the exigency mentioned by Mr. Naphade, present Petition shall heard on the next date at 03:00 p.m..

13. List the matter on Board on 4th May 2026. at 03:00 p.m..”

3. Without going into merits and giving any imprimatur on facts since statutory Appeal No.6954 of 2025 is pending before Respondent No.3 copy of which is appended at page No.78, the same is directed to be heard and decided within a period of three weeks after hearing both the parties and a reasoned / speaking order be passed therein.

4. All parties are directed to appear before Respondent No.3 tomorrow at 11:00 a.m. Respondent No.3 is directed to take cognizance of this order and fix the date of hearing and decide the Appeal in accordance with law.

5. Needless to state that the decision of this Court in the case of *Hemant Prabhakar Gangal and Others Vs. The State of Maharashtra and Others*¹ which is reproduced in the above order shall be considered by the Appellate Authority in accordance with law.

6. All contentions of both the parties are expressly kept open.

7. In the meanwhile the stay granted by this Court on 12.12.2025 shall stand extended by a further period of three weeks until the statutory Appeal is decided and in the event if the order passed is adverse, then for a period of two weeks further the stay will

¹ Writ Petition No.13065 of 2024 decided on 08.12.2025.

continue to enable Petitioners to take recourse to appropriate steps in accordance with law.

8. All parties to act on server copy of this order downloaded from Bombay High Court website.

9. With the above directions, Writ Petition is disposed. In view of disposal of Writ Petition, pending Interim Application is also disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]