

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
REVIEW PETITION NO. 1 OF 2026**

IN

WRIT PETITION NO. 1641 OF 2025

Sayyad Shabbir Ahmed Ibrahim

...Review Petitioner/
Original Petitioner

Versus

Municipal Corporation Of Greater
Mumbai And Ors.

... Respondents

Ms. Parthi Desai i/b M.P. Vashi & Associates, Advocate for the Review
Petitioner / Original Petitioner.

Mr. Sayyad Shabbir Ahmed Ibrahim, Petitioner is present in Court.

Ms. Madhavi Nalluri a/w Rupali Adhate, Advocate for the Respondent
BMC.

Chetan Lolam, Head Clerk (K/W Ward) a/w Puja Sukhtankar
(Administrative Officer, K/W Ward), present in Court.

**CORAM : RAVINDRA V. GHUGE AND
ASHWIN D. BHOBE, JJ.**

DATE : 24th April, 2026.

P.C. :

1. Heard the learned Advocate for the Respective sides at length.
2. Grievance of the Review Petitioner is restricted only to Paragraph No. 7 of our Judgment dated 14.11.2025. The said paragraph reads as under :-

7. *In view of the above, this Petition is*

partly allowed. The impugned direction ordering recovery of money, is quashed and set aside. Since the amount has not be recovered, there would be no question of repayment of the amount to the Petitioner.

3. After the parties were heard in this Review Petition, following aspects are noticed from the record available with the learned Advocate for the Corporation in the Court :-

- a) The Petitioner superannuated on 01.06.2023. A total amount of Rs. 58,51,545/-, was calculated towards retirement benefits, that includes Retiral benefits as well as the excess payment of Rs. 26,95,639/- (that was inadvertently paid to the Petitioner over a decade on the belief that the Petitioner has passed the Marathi exam and was entitled for a pay hike).
- b) Out of the aforesaid total amount, retirement dues accumulate at Rs. 33,54,075/- and this amount includes the Gratuity amount of Rs. 12,01,648/- This component was paid in April, 2025, which is almost 22 months after the retirement of the Petitioner.
- c) An amount of only Rs. 24,97,481/-, pertaining to the inadvertent excess payment was retained.

4. In view of the above, the learned Advocate for the Petitioner has taken instructions from the Petitioner present in the Court and submits as under :-

a. Interest as this Court may deem fit, may be granted on the Gratuity amount as well as the retirement benefits for the delay of 22 months.

b. Interest on the inadvertent payment of Rs. 24,97,481/-, which was retained from the retirement dues, is waived by the Petitioner.

5. The above peculiar fact situation, therefore, indicates an error in the order under review. The law on statutory interest for delayed payment of gratuity is 10% per annum. The remainder portion of Rs. 21,52,427/- will have to be granted some interest. As such, since the statutory interest for delayed payment of gratuity mandates 10% per annum, after one month of severing of Employer–Employee relationship, we are granting such 10% per annum interest on the Gratuity amount for period of delay of 21 months. Such interest component be calculated and be paid to the Petitioner on or before 15.06.2026.

6. In so far as the remainder portion of delayed payment of

retirement benefits of Rs. 21,52,427/-, we grant 5 % Simple Interest per annum for a period of 22 months to be paid on or before 15.06.2026.

7. Paragraph No. 7 of our dated 14.11.2025 stands modified in the above terms.

8. The Review Petition No. 1 of 2026 is disposed off.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)

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