

MHCC020061092018



BEFORE THE DESIGNATED COURT UNDER M. P I. D. ACT

CITY CIVIL & SESSIONS COURT, Gr. BOMBAY

ORDER BELOW EXH.07

IN

MPID MISC. APPLICATION NO.662 OF 2018

Macrotech Developers Ltd.,
formerly known as Lodha Developers Pvt Ltd.
Through its Authorized Signatory,
Mr. Patrick Monis,
Having its office at Lodha Excelus
Apollo Mills Compound,
Mahalaxmi, Mumbai 400011. ..Applicant

V/s.

The State of Maharashtra.
(through EOW, Unit-7,Mumbai
C.R No.107/2016) ... Respondent.

Appearance :-

Ld. Adv. Mr. Amrut Joshi for applicant.
Ld. SPP Mr. Pradip Gharat for State.

**CORAM : HHJ SHRI N.G. SHUKLA,
ADDITIONAL SESSIONS JUDGE,
COURT ROOM No. 20.
DATED : 09/07/2025.**

ORDER

(Dictated and pronounced in open Court)

1. Present application is filed by applicant for amendment in the main application as per schedule of amendment.

2. Ld. SPP Mr. Gharat filed reply in handwriting and Competent Authority filed reply at Exh.8 and opposed the application.

3. I have heard Ld. Advocate for the applicant and Ld. SPP for the EOW and competent authority.

4. The main application was filed only on the basis of letter given by EOW and prior to attachment of the flats in the building being constructed by the applicant u/s.4 of Maharashtra Protection of Interest of Depositors (Financial Establishment) Act, 1999 (for short, 'MPID Act'). After filing present application, Notification for attachment of the flats has been published u/s.4 of MPID Act. In the meantime, main application was dismissed in default and by order of this Court, the main application is restored.

5. Considering attachment of the flats u/s.4 of MPID Act, applicant is seeking amendment in the application for adding para(A) of the schedule of the amendment in the body of application and para(B) of the schedule of the amendment in prayer clause of main application.

6. It is submission of Ld SPP that the amendment application be allowed if the applicant is ready to deposit an amount of Rs.8,15,08,181/- received from the accused to the applicant. At this stage, no such condition can be imposed while deciding amendment application. Prayer in the amendment application is to insert certain pleadings and prayer showing readiness of the applicant to deposit Rs.6,19,51,409/-. Hence, whether the applicant is required to deposit amount mentioned in the proposed prayer clause or is required to deposit the amount mentioned in the say of the Ld. SPP is a matter of final hearing of the main application. At the stage of

allowing the amendment application, no such condition can be imposed. In this view of the matter, amendment application deserves to be allowed. Hence, the following order:-

ORDER

1. Application Exh.7 is allowed and applicant is permitted to amend main application by adding contents of schedule of amendment.
2. Amendment be carried out forthwith.
3. After carrying out amendment, Ld. Advocate for the applicant to file copy of amended application and provide its copy to Ld.SPP in advance.
4. Application Exh.7 in MPID M.A. No.662/2018 is disposed of accordingly.



Dt.9.7.2025

(N.G. SHUKLA)
Designated Judge under MPID Act,
City Civil & Sessions Court,
Gr.Bombay (C.R.NO.20)

Dictated on 9.7.2025

Transcribed and draft given (through google-drive) to HHJ on 9.7.2025

Signed by HHJ on 10.7.2025

.....

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED
JUDGMENT/ORDER

Name of Steno : N.V Ubale (Stenographer (SG)(Gr.1).
Upload date and time : 10.7.2025 (At 11.22 am.)

Name of the Judge	H.H.THE ADDL. SESSIONS JUDGE SHRI N. G. SHUKLA (C.R.No.20)
Date of Pronouncement of Order	9.7.2025
Order signed by P.O. on	10.7.2025
Order uploaded on	10.7.2025