



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL (ST) NO.6886 OF 2020

Primezone Developers Private Limited .. Appellant

Versus

The State of Maharashtra and ors .. Respondents

WITH
INTERIM APPLICATION NO.2469 OF 2023
IN
CRIMINAL APPEAL (ST) NO.6886 OF 2020
WITH
INTERIM APPLICATION (ST) NO.6889 OF 2020
IN
CRIMINAL APPEAL (ST) NO.6886 OF 2020
WITH
INTERIM APPLICATION (ST) NO. 6888 OF 2020
IN
CRIMINAL APPEAL (ST) NO.6886 OF 2020
WITH
CRIMINAL APPEAL NO.633 OF 2022
WITH
CRIMINAL APPEAL NO.932 OF 2022
WITH
INTERIM APPLICATION NO.720 OF 2021
IN
CRIMINAL APPEAL NO.932 OF 2022

Mr.Arshad Shaikh, Sr. Advocate, a/w Devansh Malhotra, Rajendra Jain, Pranil Lahigade, Aniket Pardeshi, i/b Vinsha Acharya for the Appellant in Appeal (St) No. 6886 of 2020.

Adv. Kranti S.S Anand for auction purchaser in Appeal No.932 of 2022.

Ninad Muzumdar i/b Munish Kumar for Appelants in Appeal No.932 of 2022.

Mr.Prakash Shah, a/w Jos Sanghevi, Vikas Pojjery, Saurabh Mehra i/b PDS Legal for respondent nos.5 in Appeal No.932 of 2022, and for respondent no.4.



Mr. Nainesh Amin for N.N. Amin & Co for respondent no.39 in Appeal (St) No.6886 of 2020 and for appellant in Appeal No.633 of 2022.

Mr. Arvind Lakhawat a/w Vinit Vaidya, Jalpa Shah, Himani Narula i/b MZM Legal LLP for respondent no.40. In IA No. 2469 of 2023.

Mr. Avinash Avhad- SPP a/w Sahil Ghule for respondent-State.

Mr.D.J. Haldankar, APP for the State in Appeal (St) No.6886 of 2020.

Ms.S.S. Kaushik, APP for the State in Appeal No.633 of 2022.

Mr. Manoj Kadam, API, EOW.

Mr. Mahadeo Kirvale- CA.

**CORAM: BHARATI DANGRE &
MANJUSA DESHPANDE, JJ.**

DATED : 10th DECEMBER, 2024

P.C:-

1. Since the auction purchaser of the property is a necessary party, let the appeal be amended so as to implead him as a necessary party. Amendment be carried out forthwith. Re-verification is dispensed with.

Pursuant to the amendment being carried out, the newly added respondent is at liberty to place on record any affidavit if necessary.

Mr. Shah, waive notice for the auction purchaser.

2. During the course of argument, what is noticeable is that in the first notice for auction by the Office of the Deputy Collector and Competent Authority, dated 16/11/2018, what was put for auction was the Plotted Development situated at Assandh- Karnal Road, Tehsil Assandh, District Karnal, Haryana, and the reserve price for the same was reflected as Rs. 60 Crores. Immediately thereafter,



when the second notice was published by the Competent Authority, no reserve price was mentioned and the property was auctioned in favour of the newly added respondent in the sum of Rs.10 Crores, on the as is where is basis.

We expect the Competent Authority to be fair and to act in the interest of the investors and therefore, we direct Mr. Avhad, to place before us the valuation reports, on the basis of which the reserve price of the property was indicated as Rs. 60 Crores on 16/11/2018, and also about subsequent estimation of Rs. 10 Crores. Pursuant to the record being produced, we direct that the Appeals shall be taken up for hearing.

The interim orders granted earlier shall continue to remain in force till we take up the Appeal for hearing. Re-notify to 16/01/2025. To be listed at 2:30 p.m.

(MANJUSHA DESHPANDE,J)

(BHARATI DANGRE, J.)