



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.7219 OF 2021**

Shruti Enterprises ... Petitioner  
Versus  
Mira Bhayander Municipal Corporation  
and ors. .... Respondents

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Adv. Ashutosh R. Gole, for the petitioner.  
Adv. N. R. Bubna, for respondent Nos.1 to 3-Corporation.

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**CORAM : M. S. KARNIK &  
S. M. MODAK, JJ.**

**DATE : 5<sup>th</sup> MAY 2026**

**P.C. :**

1. Heard learned counsel for the parties.
2. Learned counsel for the petitioner prays in this writ petition for a direction that security deposit lying in the fixed deposit should be refunded. On the other hand Mr. Bubna, learned counsel for the Corporation submitted that as a result of the termination of the contract and failure on the part of the petitioner to perform his part in terms of the contract, has resulted in loss to the Corporation which needs to be recovered and adjusted from the amount deposited. Mr. Bubna submitted that unless the losses

are quantified the petitioner cannot seek the relief which has been prayed for in this writ petition.

3. Mr. Gole, learned counsel for the petitioner submitted that the Corporation has to initiate appropriate proceedings if at all it is their case that the petitioner is responsible for the loss. However, it is submitted that there is nothing in the contract document which permits the Corporation to withhold the amount of security deposit.

4. In our opinion, instead of the parties litigating, this is a fit case which needs to be resolved by mediation. We therefore request the petitioner as well as the respondent-Corporation to adopt a reasonable approach in resolving the controversy through mediation. We request Mr. S. G. Deshmukh, learned counsel to mediate in the matter. The petitioner as well the respondent-Corporation to supply a copy of the entire paper-book of the writ petition to the learned Mediator. Parties to appear before Mr. S. G. Deshmukh on 09/06/2026. We request the learned Mediator to submit a report within a period of six weeks from 09/06/2026. The parties to bear the fees of the learned Mediator equally.

5. List the writ petition on 29/07/2026.
6. Interim order already in operation to continue till then.

**(S. M. MODAK, J.)**

**(M. S. KARNIK, J.)**