

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.488 OF 2005

Tata Consultancy Services Ltd.
& anr. .. Petitioners

v/s.
The Collector of Mumbai & ors. .. Respondents

Mr.D.J.Khambatta with Mr.Zal Andhyarujina i/by
Mulla & Mulla for petitioners.

Mr.S.K.Nair with Ms.Geeta Shastri, AGP for
res.Nos.1 & 2.

Mr.D.D.Madon i/by Udwadia & Udeshi for res.No.3.

Ms.A.K.Savla for res.No.4.

CORAM : H.L. GOKHALE &
S.C.DHARMADHKARI, JJ.

DATE : 20TH APRIL 2005

P.C. :

1. Heard the learned Counsel for the parties. The petition seeks to challenge the demand made by the State Government for giving the NOC which is insisted under D.C. Regulation No.5(3)(ii). The case of the petitioners is that the concerned land was leased out way back in the year 1871 by the Secretary of the State for India to the then assignee and subsequently it is now being assigned by respondent No.3 to the petitioners. The petitioners' further case is that as the transfer

document has already been registered, the petitioners want an appropriate change in the land record. The Mumbai Heritage Conservation Committee has also indicated that the building concerned is a heritage building. Reliance is placed on the Government Policy to encourage industries dealing in Information Technology which is an activity wherein the petitioners will be dealing in the concerned property. On all these aspects the challenge is raised with respect to the application of the Government Resolution dated 23rd November 2001. Matter requires consideration. That apart, similar other matters are also stated to have been admitted. Hence, Rule on the petition.

2. Mr.Khambatta, learned Counsel appearing for the petitioners, submits that considering all these aspects, a concession be given to the petitioners in the matter of deposit of the entire amount which comes to Rs.8,67,36,840/-. This figure has been arrived at on the basis of the G.R. dated 23rd November 2001 and considering that the property has changed hand for an amount of Rs.56 Crores.

3. Mr.Nair, learned Counsel appearing for the State Government, submits that the policy of the State is fully justified as also this demand. The State could have demanded at the rate of 50% but a concessional scheme has been adopted in the concerned G.R. by the State and there should not be any further concession to the petitioners.

4. Having noted the submissions of both the Counsel and having noted the peculiar facts of the present case, we direct respondent Nos.1 and 2 to issue necessary NOC to the petitioners. That will, however, be on the terms that the petitioners deposit an amount of Rs.4,67,36,840/- with the State Government and furnish a Bank Guarantee of the remaining amount of Rs.Four Crores. The Bank Guarantee will be of a Nationalised Bank and will be kept alive during the pendency and disposal of this petition. The NOC will be given only on the deposit of the amount with the State Government and on furnishing a Bank Guarantee. On such deposit being made and a Bank Guarantee being furnished, obviously no further coercive steps will be taken by the State Government. The respondents will give the NOC within two weeks after receipt of the amount as also the Bank

Guarantee. All respondents waive service.

(H.L. GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)