

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
WRIT PETITION (L) NO. 18313 OF 2025

Eversmile Construction Company Pvt. Ltd. & Anr. ...Petitioners

Vs.

The State of Maharashtra & Ors. ...Respondents

Mr. Virag Tulzapurkar, Sr. Adv. a/w Mr. Abhishek Kothari, Mr. Samit Shukla and Ms. Shivani Khanwilkar i/b Trilegal for the Petitioner.

Mr. Nishigandh Patil, AGP for State Respondent No. 1, 4 and 5.

Mr. Ravleen Sabharwal a/w Ms. Aarushi Yadav, Mr. Prakhar Tandon, Mr. Mandar B. Waidande for Respondent No. 2 – SRA

Mr. Drupad Patil a/w Ms. Meena Dhuri i/b Ms. Komal Punjabi for BMC

Ms. Snehal Patange, Sub Eng. DP Dept., Present

**CORAM:** G. S. KULKARNI &  
ARIF S. DOCTOR, JJ.

**DATE:** 27 JUNE 2025.

**P.C.**

1. On the backdrop of our orders dated 23 June 2025 and 25 June 2025, the proceedings are before us today. An affidavit on behalf of Respondent Nos.2 & 3 of Shri. Hanumant A. Masal, Executive Engineer/SRA, Brihanmumbai, is placed on record, in which in paragraph 5 the deponent has stated that respondent No.2 has no objection if the petitioners furnish an undertaking for an amount of Rs.81,73,00,000/- instead of Rs.46 crores in compliance of the order dated 23 June 2025 and 25 June 2025 passed by this Court.

2. In this view of the matter, after hearing the learned Counsel for the parties we pass the following order:

**ORDER**

(I) Petitioner is permitted to furnish an undertaking of an amount of

Rs.81,73,00,000/- instead of an undertaking of an amount of Rs.46 crores, which shall be in compliance of our order dated 23 June 2025 read with order dated 25 June 2025.

(II) Let such undertaking be furnished within two days from the day a copy of this order is being made available to the parties.

(II) On such an undertaking being furnished, the lien on 96 flats shall stand raised.

3. We had also permitted an amendment to the petition as observed in paragraph 7 of our order dated 23 June 2025. As there are subsequent developments and further material to be incorporated, we permit the petitioners to consolidate the amendments. Accordingly, leave to amend the petition in terms of the draft amendment as placed on record and marked at "X" for identification.

4. Let amendment be carried out within one week from today, and amended copies of the petition be served on all the parties. Reverification is dispensed with.

5. Reply affidavit be placed on record within two weeks from today; rejoinder, if any, be filed within one week thereafter.

6. Stand over to **17 July 2025**.

7. The protection as granted in terms of paragraph 3 of the order dated 25 June 2025, shall continue to operate till the adjourned date of hearing.

8. It is clarified that in view of the aforesaid order permitting the petitioners to furnish an undertaking on such amount as directed, the parties shall maintain status quo on the said communication dated 9 June 2022 (Ex.FF, page 419 to the petition) and the communication dated 4 November 2022 (Ex. LL, page 485 to the petition).

9. Parties to act on the authenticated copy of this order.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)