



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION (L) NO. 31208 OF 2025
IN
WRIT PETITION NO. 2051 OF 2024

Neelam Finance Bombay Pvt. Ltd.	...	Applicant
In the matter between		
Neelam Finance Bombay Pvt. Ltd. & Anr.	...	Petitioners
Versus		
Champaklal Vardhan	...	Respondent

Mr. Aspi Chinoy, Sr. Adv/ a/w Mr. Navroz Seervai, Sr. Adv., Mr. Sharan Jagtiani, Sr. Adv., Mr. Mayur Khandeparkar, Ms. Kausar Banatwala, Ms. Riya Thakkar, Mr. Vash Sheth, Mr. Vivek Vyas i/b Tushar Goradia for Petitioner/Applicant.

Ms. Jaymala Ostwal, Addl. G. P. for State.

Mr. Pravin Samdhani, Sr. Adv. a/w Mr. Bhushan Deshmukh, Ms. Ravleen Sabharwal, Ms. Aarushi Yadav for R. No. 2 SRA.

Mr. Ashish Kamat, Sr. Adv. a/w Mr. Rohan Kadam, Mr. Harsh Moorjani i/b Ekta Dalvi for R. No. 3 MMRDA.

Mr. Gaurav Joshi, Sr. Adv. a/w Ms. Priya Ranade, Mr. Rubin Vakil, Mr. Sahil Gandhi, Ms. Riddhi Shah i/b Markand Gandhi & Co. For R. No. 4 & 5.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 6 October, 2025

P.C.

1. The petitioner no. 1 has filed the present Interim Application seeking interim reliefs in the nature of stay of the operation, effect and implementation of the notification dated 20 August, 2024 issued by the State Government under

Section 14 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (for short “**Slum Act**”).

2. The proceedings of this Writ Petition were heard by a co-ordinate Bench of this Court on 11 July, 2025 when an order was passed recording a statement as made on behalf of MMRDA was accepted that insofar as the plot which is subject matter of the petition is concerned, no tenders were issued.

3. Thereafter this Court considered Interim Application (L) No. 21022 of 2025 filed in this Writ Petition whereby the petitioners had prayed for amendment of the Writ Petition so as to assail final notification issued by the State Government under Section 14 of the Slum Act. The Court heard the parties on the said Interim Application and a detailed order was passed on 16 September, 2025 permitting the petitioner to amend the petition in terms of the draft amendment as placed on record of the said proceedings.

4. On the backdrop of the amended petition, the present Interim Application has been filed praying for urgent interim reliefs, primarily on the ground that the respondents are now intending to change the status of the land by issuing tenders so as to undertake the cluster development, which includes the plot of land on which the petitioners are asserting rights and more particularly as observed by this Court in the order dated 16 September, 2025.

5. Mr. Samdani, learned senior counsel for the SRA has drawn our attention to paragraphs 17 and 18 of our order dated 16 September, 2025 to contend that an opportunity is granted to the respondents to file reply affidavit to the amended

petition, hence the proceedings of the Writ Petition are adjourned to 4 November, 2025, for further consideration and by continuing the ad-interim order. It is submitted that the present Interim Application is being recently served on the respondents and the respondents intend to file their reply affidavits.

6. Mr. Chinoy, learned senior counsel for the petitioners, on the other hand, would submit that in fact there is an urgency in view of the situation being created by the respondents, hence he prays that this Court needs to consider the prayers as made in the present application and pass interim orders. This more particularly in view of the fact that the official respondents are proceeding with the development by issuance of tenders, which according to Mr. Chinoy are likely to be finalized. In supporting such contention, Mr. Chinoy has referred to a newspaper report published in the local newspaper "Lokmat" dated 6 October, 2025, a copy of which is placed on record.

7. Responding to such contention of Mr. Chinoy, Mr. Kamat, learned senior counsel for MMRDA, on instructions of Ms. Sakshi Shirke, Senior Town Planner and Mr. Vishal Kamble, Jr. Engineer, Officer from MMRDA, who are present in the Court, would clarify that the tenders which are invited by that MMRDA are only in respect of Government land or in other words, there are no tenders which are invited in respect of the suit land or the lands which are subject matter of the impugned notification issued under Section 14 of the Slum Act. Mr. Kamat also states that the statement as made on behalf of MMRDA as recorded by this Court

in the order dated 11 July, 2025 has continued to operate. We accept the statement as made on instructions by Mr. Kamat.

8. We are also informed at the bar that the execution proceedings as filed by the petitioners to execute the consent decree is pending consideration before the learned Single Judge, which are to be soon taken up for hearing. The apprehension as expressed on behalf of the petitioner is that the compensation in regard to the acquisition is likely to be disbursed in favour of respondent nos. 4 and 5, which according to the petitioner would create a situation of a *fait accompli* and more particularly considering the subject matter of challenge in the present petition that the acquisition of the suit land under Section 14 itself is *per se* illegal and a nullity.

9. In our opinion, considering such contentions, an opportunity needs to be granted to the respondents to file a reply to this Interim Application. Also a reply affidavit to be filed to the amended petition, is already permitted by this Court by order dated 16 September, 2025.

10. The proceedings of Writ Petition are now made returnable on 4 November, 2025. We are of the opinion that the present application also needs to be heard on such returnable date, so that in the intervening period the pleadings on this Interim Application as also on the Writ Petition are complete.

11. Accordingly, let the reply affidavit to this Interim Application be filed within two weeks from today. Rejoinder affidavit, if any, is permitted to be filed within 10 days thereafter, so that immediately on the reopening of the Court after the Diwali Vacation, the proceedings can be taken up.

12. In the meantime, we are of the opinion that the interim arrangement as directed by the Court accepting the statement as made on behalf of MMRDA in its order dated 11 July, 2025 and further statement made today by Mr. Kamat and as recorded by us hereinabove, shall continue to operate till the adjourned date of hearing.

13. Insofar as disbursement of the compensation is concerned, it appears that the same is subject matter of execution proceedings. The execution proceedings are yet to be heard on such issues. It would, hence, be appropriate that the parties urge their respective contentions including the contention on the relevancy of the pendency of this petition before the learned Single Judge, as sought to be urged on behalf of the petitioners.

14. Needless to observe that insofar as the impugned acquisition is concerned and anything to do with the acquisition, the same shall be subject to the orders which would be passed on this petition.

15. It is also clarified that all rights and contentions of the parties in any pending proceedings are expressly kept open.

16. Accordingly, list this Interim Application along with the Writ Petition on **4 November, 2025**.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)