

ITEM NO.33

COURT NO.3
(HEARING THROUGH VIDEO CONFERENCING)

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) Nos.13272-13273/2020

(Arising out of impugned final judgment and order dated 02-09-2020 in LD-VC-AS-GSP-IA No.1/2020, 21-10-2020 in LD VC RP No.1/2020 passed by the High Court Of Judicature At Bombay)

M/s. DECCAN RETREAT AND

M/s. REGENT BHAIRAVI CORPORATION

Petitioner(s)

VERSUS

MAHARASHTRA STATE ROAD DEVELOPMENT CORPORATION & ANR. Respondent(s)

(FOR ADMISSION and I.R.; and, IA No.114024/2020 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 19-11-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT

HON'BLE MR. JUSTICE VINEET SARAN

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Petitioner(s) Mr. Ruchir Tolat, Adv.
Mr. S. R. Setia, AORFor Respondent(s) Dr. Milind Sathe, Sr. Adv.
(Caveator) Mr. Ajit S. Bhasme, Sr. Adv.
Mr. Arun Siwach, Adv.
Ms. Vinamra Kopariha, Adv.
Mr. Pankaj Kumar Mishra, AORUPON hearing the counsel the Court made the following
O R D E R

Issue notice.

Mr. Pankaj Kumar Mishra, learned Advocate, who has entered appearance on caveat on behalf of respondent nos.1 and 2 accepts notice.

With the consent of the parties, the petitions are taken up for hearing immediately.

Heard Mr. Ruchir Tolat, learned Advocate for the petitioner and Dr. Milind Sathe and Mr. Ajit S. Bhasme, learned Senior Advocates, who are instructed by Mr. Pankaj Kumar Mishra, learned Advocate, for respondents nos.1 and 2.

We have been apprised that from the month of October 2020, the petitioner has been making payment of rent @ Rs.15,00,000/- (Rupees Fifteen Lakhs Only) alongwith GST leviabale thereon and that the arrears for the period from April 2020 to September 2020 come to Rs.90,00,000/- (Rupees Ninety Lakhs Only).

Considering the peculiar facts and circumstances on record, we direct as under:

- a) The petitioner, at this stage, shall pay 50% of the arrears to the concerned respondents (i.e. Rs.45,00,000/- alongwith appropriate component of GST in respect of the period as aforesaid, on or before 31.12.2020;
- b) The matter concerning the liability in respect of the rest of the amount shall be considered by the Trial Court; and
- c) All the other issues are left open to be agitated before the Trial Court.

We shall not be taken to have expressed any opinion on merits of the matter which shall be gone into independently by the Trial Court.

With the aforesaid observations, the Special Leave Petitions are disposed of.

Pending applications, if any, also stand disposed of.

(MUKESH NASA)
COURT MASTER

(DIPTI KHURANA)
BRANCH OFFICER