ITEM NO.6 COURT NO.4 SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).6533/2024

(Arising out of impugned final judgment and order dated 21-02-2024 in PIL No.141/2010 passed by the High Court of Judicature at Bombay)

GIRISH GANPATRAO SHIRWADKAR & ORS. Petitioner(s)

VERSUS

CIDCO LTD & ORS. Respondent(s)

(IA No.67048/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.67049/2024-EXEMPTION FROM FILING O.T. and IA No.67047/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 10-04-2024 This petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) Mr. Nishant Ramakantrao Katneshwarkar, AOR

For Respondent(s) Ms. Beena Madhavan, Adv.
For M/S. Lawyer S Knit & Co, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. We have heard Mr. Nishant Ramakantrao Katneshwarkar, learned counsel for the petitioners at a considerable length and carefully perused the material placed on record.

2. There can indeed be no doubt that the respondent-CIDCO is obligated to follow the mandate contained in City Industrial Development Corporation through its Managing Director vs. Platinum Entertainment and Ors., (2015) 1 SCC 558. However, keeping in view the peculiar facts and circumstances of the case and as a one time exception, CIDCO appears to have allotted small shops to the private respondents so that the litigation comes to an end and rest of the area can be developed. It appears to us that such a decision

would not defeat larger public interest, and as such, warrants no interference by this Court except to observe that the alternate mode of allotment, namely, by inviting the applications, cannot be resorted unless the test laid down by this Court in Platinum Entertainment (supra) and other similar decisions are fully satisfied.

3. The Special Leave Petition is, accordingly, dismissed.

4. As a result, the pending interlocutory applications also stand disposed of.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI T.C.)
COURT MASTER (NSH)