

STATEMENT AT A GLANCE OF THE LANDMARK JUDGMENTS OF THE CIDCO

1. Allotment of flats in NRI Housing Complex.

High Court, Writ Petitions Nos. 184/2009, 254 / 2009 & 5768 / 2009
Bhushan Chimanlal Jain & Ors. Vs. CIDCO.
Advocate : Shri S N Patil
Date of Order : 10.09.2009.

CDRC Complaint Nos. 70, 71 & 72 of 2010
Bhushan Chimanlal Jain & Ors Vs. CIDCO
Advocate : M/s. Jurisperitus, with Shri G S Hegde.
Date of Order : 24.01.2013

These three allottees made default in payment of installments of price of the tenements allotted to them in Seawoods Estate, Nerul. In result the CIDCO cancelled the allotments in the year 2008. The allottees made wild allegations against CIDCO officials for no justified reasons. They filed three separate Writ Petitions before the Hon'ble High Court, challenging the decision of the Corporation to cancel the allotments. In these Petitions, the Hon'ble High Court observed that mis-statements and incomplete statement without particulars are made by the Petitioners. Realizing this fact, the counsel for the petitioners sought permission to withdraw these petitions.

Thereafter the Petitioners made complaints before the Consumer Dispute Redressal Commission, Maharashtra State. The Commission dismissed all the three complaints and imposed penalty of Rs.25,000/- in each matter for filing complaint with malafide intention.

2. Surrender of Plots :

High Court Writ Petitions filed during 1997-2000 (14 Nos.)
Advocate : Shri G S Hegde
Date of Order : 23 January 2013.

CIDCO in the past had a policy for surrender of plots and refund of premium after forfeiture of 25% of the lease premium in addition to the EMD. However, the Marketing Department had made representation about forfeiture contrary to the approved policy and during the recessionary period in the real estate, particularly during 1996-1999, there was barrage of application demanding surrender of plots. The wrong representation of the CIDCO about forfeiture resulted in legal complications. CIDCO has successfully defended the matter and finally we have succeeded to establish that the Corporation is right to forfeit 25% of the lease premium in addition to the EMD

3. Cancellation of tenders for allotment of plots.

Writ Petition Nos. 2246/2012, 2248/2012, 2282/2012, 2283/2012, 2284/2012, 2466/2012, 3005/2012,
Advocate : Shri G S Hegde
Date of Orders : 18.07.2012

CIDCO had invited tenders for allotment of plots in Airoli, in the month of November 2011. After opening of the tenders, the tenders received were cancelled and a decision was taken to invite fresh bids for 7 plots. This decision was impugned in 7 writ petitions. The Petitioners contended that they have quoted Rs.60,000/- per m2, which was above the base price of CIDCO and for no justified reason CIDCO has cancelled the process, although CIDCO has accepted bids much less than Rs.60,000/-. The Hon'ble High Court upheld the procedure of cancellation of invitation of tender adopted by CIDCO and the petitions were dismissed.

4. Unauthorized Constructions in Green Heritage Building, Kharghar.

Writ petition No. 5177/2012 - Abhishek Builders Vs. CIDCO
Advocate: Shri Kamlesh Ghumre, with Shri G S Hegde
Date of Order : 11.06.2012

CIDCO had allotted Plot No. 79 & 80 in Sector 20, Kharghar, to M/s. Abhishek Builders & Developers. A building was constructed on these plots, which is known as "Green Heritage". The Petitioners have committed gross breach of the development permissions and constructed Ground + 21 floors and the number of residential and shopping units were increased contrary to the development permission and also consumed excess FSI of approximately 1575 sqmt. In view of this, CIDCO resorted to initiate action under the provisions of the MR&TP Act, which was challenged in this petition. The occupants of the building has also filed writ petitions seeking relief to protect their interest. After hearing all parties in this group of petitions, the Hon'ble High Court dismissed the petitions on merit.

5. Acquisition of land at Panvel:

HC Writ Petition No. 944 of 2006
Shaikh Md Murghey Vs. State of Maharashtra & Ors.
Advocate :S Shri G S Hegde,
Date of Order : 11 .05.2012

The State Government had vested of lands bearing Survey No. 487, Panvel, admeasuring 9 acres, 3 gunthas, notified for Navi Mumbai. The Settlement Commissioner under Administration of Evacuee Property Act 1950 has passed order of allotment of the said land as evacuee property to Sheela Ravindra Lakhnapal, a displaced person on 27.05.1988. The order of allotment was issued by the Settlement Commissioner assuming that the land is evacuee property and notified under the said Act in 1950. In fact, the order of the settlement commissioner was set aside by the Secretary, Relief & Rehabilitation Department and the said order was impugned in the writ Petition before the High Court. The matter was successfully concluded in favour of CIDCO resulting saving of 9 acres 3 gunthas of land value was not less than Rs. 700 crores. Against this order, Review Petition No. 88 of 2012 was filed by the Petitioners, which was came to be rejected by the High Court on 21.12.2012.

6. Acquisition of Land at Ulve

Writ petition No. 7963/2010 - CIDCO Vs. State of Maharashtra & Ors.
Advocate : Shri A M Kulkarni, with Shri V A Thorat, Sr.Counsel.
Date of Order : 02.02.2012.

Land admeasuring 157 acres 25 gunthas at Village Ulve falls in the notified area of Navi Mumbai Airport. In Writ petition N o. 3378 of 1989 filed by Mrs. Indirabai Narayan Biwalkar, the Petition was decided on the basis of categorical statement made b y the AGP that the Government does not challenge the ownership and title of the Petitioners of the subject matter of the land bearing Survey No. 51 from Revenue Village Ulve, Taluka, Panvel. In view of the Statement, the land was held to be private land, although the said land was transferred to CIDCO as forest land. Due to this dispute, CIDCO was finding it difficult to undertake any development of this area until final disposal. Therefore, a decision was taken by the High Power Committee to verify the facts and thereafter to file Review Petition. Accordingly after deliberation and discussions with the then AG and Senior Advocate, Shri Thorat, a comprehensive petition was filed before the Hon'ble High Court. The Corporation succeeded in this Petition for withdrawal of the statement made by the AGP on behalf of the Forest Department. Accordingly, CIDCO is given liberty for using the said land for Airport during pendency of the Petition.

7. Demand of Income Tax by the IT authorities.

HC Writ Petition (L) No. 2297 of 2011
CIDCO Vs. ACIT 10 (3) & Ors.
Advocate : Shri Atul K Jasnani with Shri S E Dastoor, Sr. Advocate
Date of Order : 21.10.2011.

CIDCO is the New Town Development Authority declared under Sub-section 3A of Section 113 of the MR&TP Act and is acting as a statutory agent of the State Government for creation of New Town Navi Mumbai and this position was accepted by the Income Tax Department from its inception and CIDCO was not liable for payment of income tax. However, for the Assessment years 2003-04, 2004-05 and 2005-06, the Income Tax authorities held the CIDCO is not statutory agent of the State Government and is liable for payment of income tax. The CIDCO filed Appeal against the order of the Assistant Commissioner of Income Tax. However, income tax authorities were trying to adopt coercive measures of recovery of tax during pendency of the Appeal. Therefore, CIDCO filed Writ Petition before the Hon'ble High Court and considering the legal status of CIDCO, the High Court directed that hearing of the appeal be expedited by the Income tax authorities and during pendency of the appeal and subsequent to that within a period of 6 weeks, no coercive steps shall be taken against CIDCO for recovery of the demand in respect of assessment years in question. In the appeal CIDCO succeeded to establish the legal status of CIDCO as a statutory agent of the State Government. Due to this, a saving of not less than Rs.500 crores is accrued to CIDCO.

8. Cancellation of mutation entry :

High Court Writ Petition No.904/2010
CIDCO V/s Government of Maharashtra & Hon'ble Minister for Revenue
Advocate : Shri.Ashutosh Kulkarni
Date of order: 20th July, 2011

The Corporation filed the above Petition being aggrieved by the order of the Hon'ble Minister for Revenue in respect of the cancellation of mutation entry of CIDCO/State Government of Survey No.72, 73, 76 to 81, adm.52 Acres of village Kharghar. In this petition, the Hon'ble Court has considered the scope of revenue jurisdiction of Minister under Maharashtra Revenue Code and held that the Hon'ble Minister has exceeded his authority in issuing instant directions and accordingly the petition is allowed by setting aside the order of the Minister for Revenue. The Corporation has saved huge financial liability on account of payment of compensation and allotment of 12.5% scheme land to the Respondents.

9. Allotment of land under 12.5% scheme for the PAPs of JNPT

High Court: Writ Petition No.951/1995
Shri.Nilesh Dattaram Pathare & Ors. V/s CIDCO
Advocate: Shri.R.M.Sawant
Date of order : 01.11.2001

Supreme Court: SLP(C) No.8835 of 2002
Advocate: Shri.Ajit Bhasme
Date of order : 20.01.2011

The State Government notified the site for creation of Navi Mumbai, encompassing the land admeasuring 2579 Ha. acquired and transferred to the JNPT. The State Government formulated scheme for rehabilitation of the PAPs which is popularly known as 12.5% scheme for the Project Affected Persons of Navi Mumbai, vide Government Resolution dated 06.03.1990. The State Government has excluded the lands of the PAPs acquired for the Nhava Sheva Port Project.

Feeling aggrieved by the refusal of the State Government, CIDCO and JNPT to implement the 12.5% scheme for the PAPs of JNPT, one Nilesh Dattaram Pathare & Ors. have filed Writ Petition No.951 of 1995 in the Bombay High Court, against the State Government, CIDCO and JNPT, claiming that exclusion of PAPs of JNPT from the preview of 12.5% scheme is discriminatory and illegal.

The Petition was resisted on behalf of the State Government and CIDCO. The State Government has taken a specific stand that the lands have been taken in acquisition for the Nhava Sheva Port and such lands will not get the benefit of allotment of land under 12.5% scheme. Such decision was taken with a view that the Nhava Sheva Port being a Government of India Project, the Central Government has to accept the liability involved in grant of 12.5% scheme.

The Writ Petition was allowed thereby directing the State Government and CIDCO to implement the 12.5% scheme for the PAPs of JNPT. The

implementation of the scheme involves expenses of acquisition of land and development of land which may come to the tune of Rs.500/- Crores, therefore, SLP was filed by the CIDCO against the Judgment and order of the High Court on the ground that JNPT is the beneficiary of the land and the obligation to implement the scheme cast upon the JNPT. The petition was resisted by the JNPT and Union Government. However, the Hon'ble Supreme Court by reason order dated 20.01.2011 has allowed the SLP of the CIDCO thereby the liability of CIDCO to implement the 12.5% scheme to the JNPT PAPs is set aside.

10. Encroachment in Central Park at Ghansoli.

High Court :Public Interest Litigation No.175/2007
Navi Mumbai Action Committee & Ors. V/s CIDCO
Advocate: Shri.G.S.Hegde
Date of order : 4th March, 2008
Supreme Court: Special Leave to Appeal(Civil) No.107/2009
Date of order : 13.02.2009

The land which is earmarked as a park in Ghansoli, Sector-2, Navi Mumbai was encroached upon by the various encroachers. The petition was filed claiming to remove the encroachment on the park land. The Petition was successfully handled on behalf of the Corporation and in result, the encroachment on the park have been successfully removed and the land of the CIDCO is protected and in the incidental petition, SLP filed in this matter have been successfully concluded in favour of removal of encroachment.

11. Coastal Zone Management Plan :

Writ Petition No. 1783 of 1991, with CA No. 1405 of 2001
Ramesh Narayan Patil & Ors Vs. CIDCO
Advocate : Shri R M Savant
Date of Order : 22.10.2002

One Mr Ramesh Narayan Patil & ors. had filed a Writ Petition No. 1783 of 1991 and one interim order was passed by the Hon'ble High Court on 10.11.1994, directing CIDCO that within 500 meters from the High Tide Line in villages Talavali, Ghansoli, Gothivali and Rabale, no trees will be cut, no construction including a new road will be put up, however, the leveling operation can go on. Therefore CIDCO had filed a Civil Application No.1405 of 2001. In this Civil Application, the Hon'ble High Court has considered the Coastal Zone Management Plan, duly prepared and submitted to the Ministry of Environment & Forest and its approval letter dated 27th September 1996 and the Hon'ble High Court has considered Para 8 of the said letter, as per which the coastal stretches of Navi Mumbai abutting Thane and Panvel creeks, a CRZ belt of 150 meters on the landward side of the HTL has been demarcated and the HTL has also been delineated by the Chief Hydrographer, Government of India in October 1997. Therefore, in view of the approval granted by the Central Government to the CZMP for development of CRZ areas in Navi Mumbai, nothing survives in the Writ Petition and accordingly, the High Court is pleased to dispose of the Writ Petition with directions to abide by the directions contained in the CZMP and the report of the committee.

12. **Allotment of plots for Printing Press in Navi Mumbai**

High Court, Writ Petition No.712 of 2011
Ulhas Shantaram Ghosalkar V/s CIDCO
Advocate : Shri. G.S.Hegde
Date of Order : 19th July, 2011

On behalf of the 'Ratnagiri Times', Shri Ulhas S.Ghosalkar, filed the petition claiming that the plot for Press should be allotted as per the policy prevailing in the year 2003. The claim of the Petitioner is rejected by the High court on the ground that CIDCO has made amendment to the Land Disposal Regulation in 2008 and as per the amendment regulation, allotment on individual application is not permitted.

13. **Allotment of land to the O.N.G.C.**

High Court Writ Petition No.4036 of 2001
ONGC V/s CIDCO Ltd. & Ors.
Advocate: Shri. R.M.Sawant
Date of order : 28th July, 2004

Supreme Court SLP No.21047 of 2004
ONGC V/s CIDCO Ltd.
Advocate : Shri. Ajit Bhasme
Date of order : 20th July, 2007, 05th Oct. 2009

The above Writ Petition was filed before the High Court claiming that the CIDCO has made allotment of 24 Hec. Land and they have paid the lease premium of ` 1,31,14,000/- and therefore, the CIDCO should execute the agreement to lease and handover the possession. The petition was heard at length by the Hon'ble High Court and vide order dated 28.07.04 dismissed the petition with cost.

Thereafter, the Petitioner filed the above SLP and a Committee under Cabinet Secretary of the Union was directed by the Hon'ble Supreme Court to resolve the dispute between ONGC & CIDCO. Since, the dispute was not resolved, the Petitioner approached to the Supreme Court. The Hon'ble Supreme Court reaffirmed the Judgement and order of the High Court.

14. **Acquisition of notified land for Navi Mumbai.**

High Court, Bombay, Writ Petition No. 3191 of 2006
D.A.Bhivandiwala Vs. CIDCO & Ors.
Advocate ; Shri G S Hegde,
Date of Order : 07.02.2006.

High Court, Bombay, Review Petition No. 5407 of 2007
State of Maharashtra & Ors. Vs. D.A.Bhivandiwala & Ors.
Advocate, Shri K K Tated
Date of Order : 10.08.2007

Supreme Court, SLP No. 27475 of 2008 (C.A.No. 6653 of 2008)
CIDCO Vs. D.A.Bhiwandiwalla & ors.
Advocate : Ajit S Bhasme
Date of Order : 14.11.2008

The High Court directed the Collector, Raigad, to take steps to acquire the land by following due procedure and complete the acquisition proceedings within one year of receipt of requisition from the Petitioner.

Against this order, CIDCO filed special Leave Petition and the said SLP was withdrawn with permission to file Review Petition before the Hon'ble High Court. The High Court dismissed the Review Petition and against the dismissal, CIDCO filed Special Leave Petition. In the said Special Leave Petition, the Hon'ble Supreme Court considered the revenue record of the land and also passed strictures against the Government Pleader and State Government for making statement before the Hon'ble High Court by the lower officers without proper verification of the record and thereby the Hon'ble Supreme Court set aside the order of the High Court and directed the High Court to hear the matter afresh after giving opportunities to the parties.

In this matter, due to High Court order, the land was to be acquired at market price of 2008. In view of this judgment, the Corporation has saved huge financial liability on account of compensation. The matter is pending for final hearing in the High Court.

15. Allotment of plot for Weigh Bridge at Dronagiri.

WP No. 4707 of 2001

Amitkumar Ajaykumar & Bros Vs. CIDCO & Ors.
Advocate G S Hegde.
Date of Order 20.11.2007

SLP No. 5999-6000 of 2003
Amitkumar Ajaykumar & Bros Vs. CIDCO & Ors.
Advocate, Shri Ajit S Bhasme
Date of Order 28.07.2008

The Corporation had made allotment of plot for weigh bridge at Dronagiri to M/s. Standard Weigh Bridge. The Petitioner has challenged the allotment made on the ground that no public tenders were invited. The Hon'ble High Court, relying on the Supreme Court Judgment in the matter of Haji T M Hassan Rawthar Vs. Kerala Financial Corporation, reported in AIR 1988 SC 157, observed that the allotment made on application is contrary to the policy of the Corporation, which was per se illegal. Therefore the Court directed to invite tenders for the plot.

The Writ Petition was dismissed on the ground that alternate efficacious remedy is available. The Petitioner filed Special Leave Petition before the Supreme Court. The Supreme Court directed that the Writ Petition be considered by the High Court on merit and remanded the matter back to the High Court.

The Hon'ble heard the matter on merit and thereby the allotment of plot to M/s. Standard Weigh Bridge was cancelled and further directed CIDCO to invite tenders for the plot.

M/s. Standard Weigh Bridge also consented for invitation of tenders. Accordingly tenders were invited and in result the Corporation received a rate of Rs.1,25,000 per sq.mt. as against Rs.4,000/- at which the plot was earlier allotted., and generated additional revenue

16. Allotment of land below High Tension line to adjoining plots in Sanpada.

PIL No. 142 of 2006

Sudam Hivarkar Vs. CIDCO & Ors.

Advocate G S Hegde.

Date of Order 06.09.2007

The Corporation made allotment of strip of land below the High-Tension line at Sanpada to the adjoining plot holders. The Corporation, while formulating this policy, has considered if this land was allotted to the adjoining plot holders, it will not be encroached upon. It was specified that no development would be allowed on this plot and the FSI will be allowed on the adjoining original plot. The Corporation charged the tender price, which was realised with compounding interest at the rate of 18%. By way of this Petition, the Petitioner has challenged the allotment on the ground that the allotments have been made at low price causing loss to the CIDCO and also the allotments were arbitrary and perse illegal and therefore the petitioner sought cancellation of the allotment. The Petition was ably and successfully handed by the Corporation, resulting in the dismissal of the Petition. (Order dated 06.09.2007). The Hon'ble Court also directed the Petitioner to pay a sum of Rs. 1 lakh each to all the Respondents including CIDCO. However, the Petition was withdrawn by the Petitioners and the Hon'ble Court recalled the order. However, caution was given to the Petitioner that he should be careful while invoking the extra ordinary jurisdiction of the Court.

17. Allotment of IT Plot in Sector 30, Vashi.

WP No. 270 of 2007

Sree Java Web Developers Pvt.Ltd. Vs. CIDCO & Ors.

Advocate G S Hegde

Date of Order 13.06.2007

In this matter, the Petitioner has challenged the allotment of an IT plot in Sector 30, Vashi, to the highest bidder on the pretext that he was not fulfilling the eligibility criteria. The Court on 05.02.2007 refused to grant ad-interim relief. The High Court in this matter granted status-quo on 23.04.2007, which was vacated on 13.06.2007. The Petition was disposed off as withdrawn

18. Allotment of Plot to D.Y.Patil Sports Academy at Nerul

High Court Bombay

1) PIL 140 of 2004, Sanjaykumar Surve Vs. State of Maharashtra &

Ors

2) WP No. 2226 of 2004., Moreshwar Patil & Ors Vs. CIDCO & Ors.

Advocate G S Hegde
Date of Order 30.11.2006

The Corporation made allotment of land to D.Y.Patil Sports Academy for development of sports complex in Nerul in accordance with the policy for allotment of social facility plots. The Petitioners challenged this allotment on the ground that the allotment was arbitrary and illegal for the reason that NMMC was the local authority and the said plot was demanded by the NMMC. The Petitions were successfully handled at the initial stage and the interim relief prayed was rejected by the High Court. Subsequently, these petitions were not followed up by the Petitioners and were dismissed for non-prosecution. The Corporation effectively handled this petition, due to which a stadium of international standard has come up in Navi Mumbai, which has added feather to the cap of Navi Mumbai

19. Allotment of land under 12.5% scheme in New Panvel

W.P. No. 2747 of 2005

Ashok Ganu Shelke Vs. State of Maharashtra & Ors.
Advocate G S Hegde.
Date of Order 27.04.2006

SLP No. CC 6992 of 2006

Ashok Ganu Shelke Vs. State of Maharashtra & Ors.
Advocate Ajit S Bhasme
Date of Order : 08.01.2007

The Petitioner was a Project Affected Person and was eligible for allotment of 2825 sq.mt. of land against the land acquired from Village Asudgaon. The Petitioner was allotted 400 sq.mt. land in Asudgaon and the balance allotment was proposed in the linkage sector in Kamothe. The Petitioner filed this petition and asserted that the land to be allotted to the Petitioner must necessarily be in New Panvel, particularly Plot No. 46 in Sector 5. He also sought relief to cancel the allotment of plot No. 46 in Sector 5, New Panvel, which is already made by the CIDCO. The Corporation successfully established the policy of allotment of land in earmarked area. The Hon'ble High Court upheld the policy of making allotment in the linkage sector identified in the nearby villages. By this judgement, the Corporation has established the procedure of allotment of land in the linkage sector. The Petition was dismissed by the Court and the Corporation was able to get revenue due to disposal of the land in New Panvel.

Against the order of the Hon'ble High Court, Shri Shelke filed SLP before the Hon'ble Supreme Court. The SLP was dismissed by the Supreme Court as the Supreme Court found no reasons to interfere.

20. Allotment of Society Plots in Sector 4, Nerul, Navi Mumbai

PIL No. 43 of 2005

Public Concern for Governance Trust Vs. State of Maharashtra & Ors.
Advocate G S Hegde
Date of Order 23.11.2005

SLP No. 336 of 2006, SLP 665 of 2006

Amey CHS Ltd, Wadhva Developers Vs. Public Concern for Governance Trust & Ors.

Advocate A S Bhasme
Date of Order : 01.02.2007

CIDCO had made allotment of land to six co-operative Housing Societies (Wadhwa case). These allotments were probed by the Committee under the chairmanship of Dr.D.K.Sankaran and the committee recommended cancellation of these allotments on the ground that in the name of the societies, M/s. Wadhwa Developers has grabbed this land resulting in financial loss to the Corporation. The State Government accepted the recommendation and directed CIDCO to implement the same. The Petition was filed before the High Court prior to the issuance of the order by the High Court regarding implementation of the recommendation of the committee. The Corporation has defended this matter on the basis of the government directions and the Hon'ble High Court set aside the allotment of the plots (Order dated 23.11.2005)

In these matters, the Societies (Wadhwa) have challenged the order of the High Court before the Supreme Court and the Supreme Court has not disagreed with the findings of the High Court in respect of illegality in allotment. However, the Supreme Court, after considering the irreversible situation, directed the Government to appoint a Valuer to assess the value and to recover the difference. In result, the Corporation has received additional revenue on account of difference in price

21. Settlement of dispute between CIDCO and Central India Builders

Arbitration Petition No. 483 of 2004

CIDCO Vs. Central India Builders.

Advocate G S Hegde.

Date of Order 06.09.2005

CIDCO filed this Petition challenging the Award made by the Sole Arbitrator, dated 20.01.2004; thereby the Arbitrator erred in granting escalation contrary to the terms and conditions of the Contract. The Hon'ble High Court upheld the contention of CIDCO and the arbitration award was modified by setting aside escalation awarded by the Arbitrator. The Corporation has saved substantial amount of escalation awarded by the Arbitrator

22. Claim of Municipal Corporation over allotment of Plots :

The Claim of Navi Mumbai Municipal Corporation for the Plot No. 1 Sector 20, Vashi and also Plot No. 195, Sector 12, Vashi, allotted to M/s. Himgiri Dealcom Pvt.Ltd. and M/s. Neel Siddhi Developers were rejected by the Hon'ble High Court in two different Writ Petitions, resulting in the Corporation realizing market value in respect of these plots.

23. Disposal of Old CIDCO Office Bldg. on Plot No. 1, Sector 20, Vashi

WP No. 6873 of 2004

Transport Committee of Navi Mumbai Municipal Corporation Vs The State of Maharashtra & ors.

Advocate G.S.Hegde
Date of Order 02.12.2004

This is a case wherein the Corporation had disposed of the plot adm. 4673 sq.mtrs. bearing Plot No.1, Sec.-20 situated at Turbhe Rly Station along with the buildings standing thereon adm.2693 sq.mtrs. The sale of the said land was challenged by the Transport Committee of NMMC on the ground the CIDCO has taken a decision to hand over this property to NMMC as and by way of one time contribution and as such CIDCO has no right to sell this property. The petition was hotly contested by the Petitioner and CIDCO. In this petition, even the Chief Secretary of the Govt. was directed to file the affidavit. The petition was rejected and the action of the Corporation in the disposal of this land to private person was upheld. The Corporation generated revenue equivalent to market price out of the disposal of this plot.

24. Giving preferential treatment to PAPs for award of Civil works.

W.P.No. 8732 of 2004

Navi Mumbai Nagari Vikas Samiiti Vs. State of Maharashtra & Ors
Advocate G S Hegde.
Date of Order 29.11.2004

The Samiti is constituted by the Project Affected Persons. The Petitioners challenged invitation of fresh tenders for civil works, claiming that the contracts were to be awarded to the petitioners, being the PAPs. Therefore, the Samiti claimed quashing and setting aside the invitation of tenders. The petition was contested and the action of the Corporation was effectively defended resulting in dismissal of the petition.

25. Allotment of plots for Printing Press in Navi Mumbai

Writ Petition No. 115 of 2004

Mahalaxmi Mahila Sahakari Grahak Sanstha Vs. State of Maharashtra & Ors.
Advocate G S Hegde
Date of Order 29.04.2004

In this Petition, the Petitioner has challenged the allotment of land made by the CIDCO to newspaper and publishing houses on the basis of directions of the State Government. The Hon'ble High Court has considered the policy and allowed the petition and set aside the allotment made contrary to the policy of the Corporation. (Order dated 29.04.2004). The High Court also appointed one man committee under the chairmanship of Shri S S Tinaikar. The Committee enquired into the allotments made on the basis of directions of the Government and submitted comprehensive report to the High Court, which was accepted by the High Court. Shri Tinaikar, in his report recommended to levy additional premium for the allotments made contrary to the policy of the Corporation. In result the Corporation generated additional revenue on account of allotment of land made to the publishing houses.
