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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8052 OF 2026

JC Flowers Asset Reconstruction Pvt. Ltd.

....Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Dr. Birendra Saraf, Senior Advocate a/w Ms. Sugyata Choudhary and
Mr.Mihir Utekar i/b Dhaval Vussonji & Associates for the Petitioner.
Mr. P.V. Nelson Rajan, AGP for the Respondent-State.

CORAM : MILIND N. JADHAV, J.

DATED : JULY 09, 2026

P.C. :

1. Heard Dr. Saraf, learned Senior Advocate appearing for the Petitioner. The order impugned is dated 20th April 2026, copy of which is appended at Exhibit A, Page No. 57 of the Petition. The Petitioner before the Court is a financial institution. At the outset Dr. Saraf apprises the Court that though the order refers to the matter being heard on 6th February, 2026 and order passed on 20th April, 2026, however on 6th February, 2026 no hearing whatsoever was held. He would on instructions candidly submit that the said order was passed pursuant to a letter received by the Petitioner from the AGRC dated 1st October, 2025 under the reference of non-payment of rent in the Amnesty scheme and status of development of the subject project due to non-payment of transit rent calling for a hearing in the said matter. He would submit that by virtue of the extant sweeping

recommendations made in the impugned order, the Petitioner who is the concerned financial institution lending support to the developer and having extended credit is now required to or called upon to engage a new developer to whom fresh credit will have to be extended in view of delay and non-payment of the transit rent by the erstwhile developer. He would argue that power of the AGRC to pass such sweeping directions is required to be considered by the Court and to that limited extent the challenge is maintained in the Petition. He would draw my attention to Section 34(A) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 and submit that to the extent of the powers and functions conferred on AGRC under the said provision, it does not empower AGRC to pass the impugned directions/recommendations given in the impugned order without the matter being specifically referred to the AGRC by the State Government and it can only be done after all stake holders are heard by the AGRC in accordance with law. After reading the directions/recommendations given in paragraph No.5 (a), (b) and (c) of the impugned order and juxtaposing the same with the power and functions to be exercised by AGRC as contemplated under Section 34(A) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971, an arguable case is made out by Dr. Saraf for issuance of Ad-interim relief in the present Petition. In view of the aforesaid observations, there shall be Ad-interim relief in prayer clause (f) which reads thus :

(f) Pending the hearing and final disposal of the present Petition, stay the operation, implementation, execution and effect of the Impugned Order dated 20th April, 2026.

2. In view of the above, Issue notice to Respondents. Mr. Nelson Rajan, learned AGP enters appearance for the State and waives service for Respondent - State.
3. Humdast permitted. In addition to Court's notice, Petitioners are directed to serve the Respondents a copy of this order and Writ Petition and inform about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof.
4. Affidavit-in-Reply, if any is directed to be filed within a period of two weeks from today. Affidavit-in-Rejoinder, if any to be filed within a period of one week thereafter.
5. List the matter on 23rd July, 2026.
6. Needless to state that in view of the exigency argued by Dr.Saraf, the Petition shall be disposed of at the time of admission itself which shall be noted by the parties.

(MILIND N. JADHAV, J.)