O/C

ACME HOUSING INDIA PRIVATE LIMITED

C N: U45102MH2001PTC131675

ACME
Housing happiness, since 1976

Date: 22nd June, 2022

To,

THE COLLECTOR AND COMPETENT AUTHORITY, THANE URBAN AGGLOMERATION,
Collector Office,
Court Naka,
Thane (West),
Maharashtra – 400601

ठाणे महानगरपालिका
नगर विकास विभाग
दि. क्र. २७४४
दिनांक: २३/६/२२

Ref: 1. IN THE HIGH COURT OF JUDICATURE AT BOMBAY CIVIL APPELLATE JURISDEICTION W.P. NO.2612 OF 2021

Acme Housing India Pvt. Ltd. ... Petitioner
V/s
State of Maharashtra & Ors. ..Respondents

2. Letter dated 2nd May, 2022 bearing No. Ja.Kra.LC/TA/ ATP/Section 20/Industrial/High Court/289/22 received from The Collector & Competent Authority, Thane ("the said Letter").

23/6/22
लिपिक
जिल्हाधिकारी व सक्षम प्राधिकारी
ठाणे नागरी संकुलन ठाणे

Sub: Original Affidavit as per Your Letter dated 2nd May, 2022.

Respected Sir,

We have received the said Letter dated 2nd May, 2022 from your good office and in compliance of the Order dated 11th October, 2021 ("the said Order") passed by the Hon'ble Court in the above matter and as per your said Letter, annexed herewith please find the Original Affidavit dated 22nd June, 2021 for your record.

Registered Office : Acme Ghar, 19, K.D. Road, Off V.M. Road, Vile Parle (W), Mumbai - 400 056.
Tel.: +91-22-6757 0000 | Email: contact@acmehousing.com | www.acmehousing.com

Sir Please note that thus we have complied with the said Order.

Thanking You,

Yours Truly

For Acme Housing India Pvt. Ltd.

Doshi B.M.

Authorised Signatory

CC:

The Executive Engineer,
City Development Department,
Thane Municipal Corporation,
Thane.



महाराष्ट्र MAHARASHTRA ◑ 2022 ◑ BN 628801

जिल्हा कोषागार कार्यालय ठाणे

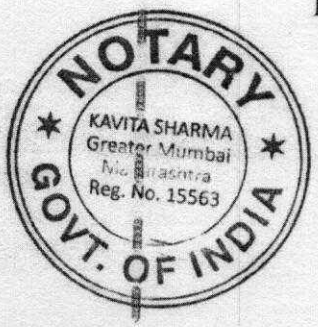
जिल्हा कोषागार कार्यालय, ठाणे
13 JUN 2022
मुद्रांक प्रमुख लिपीक / लिपीक

This Document Is Noted At Sr. No. 97 Dated 22 JUN 2022
In The Notarial Register

AFFIDAVIT

I, **Bhupendra Madhusudan Doshi**, Director of Acme Housing India Pvt. Ltd. an adult, having my office address at 19, K. D. Road, Off V. M. Road, Vile Parle (West), Mumbai – 400 056, do hereby solemnly affirm and state as under:

1. I state that Acme Housing India Private Limited (being Petitioner No. 1) and me (being Petitioner No. 2) have filed Writ Petition No. 2612 of 2021 before the Hon'ble Bombay High Court ("**said Writ Petition**") against the State of Maharashtra (being Respondent No. 1), the Thane Municipal Corporation (being





जोडपत्र २

दस्त नोंदवही अनुक्रमांक ..... दिनांक 16 JUN 2022

दस्ताचा प्रकार .....

सदर नोंदणी करणार आहे का ? :- होय/नाही .....

मालमत्तेचे थोडक्यात वर्णन .....

एक लिहून घेणाऱ्याचे नांव व पत्ता ..... Acme Housing India Pvt Ltd

सदर दस्तकाराचे नांव व पत्ता .....

सदर असल्यास त्याचे नांव/पत्ता .....

दस्त सही .....

मालाधारक मुद्रांक विक्रेत्याची सही (प्रमोद आर. दुबे) .....

मुद्रांक विक्रीचे पत्ता - आदेश्वर कृपा, शांती पार्क, मीरा रोड (पूर्व), ठाणे.

रजिस्टर क्रमांक १२०१०४७

मुद्रांक खरेदी केल्यापासून ६ महिन्यात वापरले न गेल्यास निरुपयोगी आहे.

16 JUN 2022

207258

NOTARY INDIA

Respondent No. 2), Assistant Director, Town Planning Department, Thane Municipal Corporation (being Respondent No. 3), the Collector and Competent Authority, Thane Urban Agglomeration (being Respondent No. 4) and the Tahsildar, Thane (being Respondent No. 5). I state that I am also director of Acme Housing India Private Limited, being Petitioner No. 1 in the said Writ Petition.

2. The said Writ Petition has been filed, *inter-alia*, seeking the following reliefs:

(i) That the provisions of the Urban Land Ceiling and Regulation Act, 1976 are not applicable to the subject land bearing Gut No. 61/1 and 61/2 of Village Chitalsar, Manpada, Thane admeasuring 54,500 square meters ("**said Land**");

(ii) That the Collector and Competent Authority (being Respondent No. 4) be directed to withdraw / cancel the letter dated 25th February 2021 issued to Tehsildar, Thane (being Respondent No. 4) and delete Mutation Entry No. 1125 dated 26th February 2021 from the revenue records of the said Land;

(iii) That the letter dated 25th May 2021 and the letter dated 10th June 2021 issued by Assistant Director, Town Planning Department, Thane Municipal Corporation (being Respondent No. 3) be quashed and set aside;

(iv) That the letter dated 30th August 2021 and the Notice dated 30th August 2021 issued by Assistant Director,

Town Planning Department, Thane Municipal Corporation (being Respondent No. 3) be quashed and set aside;

3. The said Writ Petition was thereafter heard by the Hon'ble Bombay High Court on various occasions.

4. By and under an Order dated 11th October 2021, the Hon'ble Bombay High Court admitted the said Writ Petition for hearing and granted interim reliefs in favour of the Petitioners ("**said Order**"). The directions passed by the Hon'ble Bombay High Court under the said Order read as thus:

"34. In the circumstances the following order is passed:

(i) Let the Writ Petition be admitted for hearing.

(ii) As an interim measure, we direct stay of the mutation entry No. 1124 and the stop work notices dated 30.06.2021 and 30.08.2021.

(iii) Respondent No. 4 shall inform the Petitioner the amount of premium @ 15% of the ASR as mentioned in paragraph 21 of the affidavit in reply. Petitioners shall identify and not sell the flats of that value as per the ready reckoner rate for the year 2021 from the sale building pending the hearing of the Writ Petition.

(iv) Hearing of the Writ petition is expedited."

(Emphasis added)

Hence, under the said Order, Respondent No. 4 (the Collector and Competent Authority, Thane) was directed to inform the Petitioners of the amount of premium at the rate of 15% of ASR

as per the Notification dated 1st August 2019 and the Petitioners were directed to identify and not sell flats of value equivalent to such premium identified by Respondent No. 4. A copy of the said Order is annexed hereto and marked as **Annexure – 1**.

5. By and under an Order dated 14th October 2021, paragraph 34 (ii) of the said Order was modified by substituting the expression *"stop work notices dated 30.06.2021 and 30.08.2021"* with the expression *"stop work notice dated 30.08.2021"*. The rest of the content of the said Order remained as it was. A copy of the Order dated 14th October 2021 is annexed hereto and marked as **Annexure – 2**.

6. Subsequently on 6th May 2022, Petitioner No. 1 received a letter dated 2nd May 2022 from Respondent No. 4 (the Collector and Competent Authority, Thane) ("**said Letter**"), *inter-alia*, computing the amount of premium as per the Notification dated 1st August 2019 to be Rs. 22,93,94,075/- (Rupees Twenty-Two Crore Ninety-Three Lakh Ninety-Four Thousand Seventy Five Only). Further, in proportion to the aforesaid premium, Respondent No. 4 stated that an area of 1993 square meters ought to be reserved in the said Project. A copy of the said Letter along with the English translation thereof is annexed hereto and marked as **Annexure – 3**.

NOTARY KAVITA S. SHARMA Greater Mumbai Maharashtra Reg. No. 15563 GOVT. OF INDIA

7. In view of the aforesaid and in due compliance with the said Order, I hereby say that an area of 1993 square meters i.e., 21,444 square feet of built-up area is identified in form of flats in the free sale buildings by name "EUCALYPTIA" in the said Project ("**said Flats**"), details whereof have been particularly set out at **Annexure – 4**.

8. I say that the Petitioners will not sell the said Flats pending hearing of the said Petition.

9. The present Affidavit is made without admitting and without prejudice to the Petitioners' right and contentions in the said Writ Petition.

VERIFICATION

I hereby state that whatever is stated hereinabove is true to the best of my knowledge.

Solemnly affirmed at Mumbai)
This 22nd day of June, 2022)

Before me

(Mr. Bhupendra Doshi)

Director of Acme Housing India Pvt. Ltd.

22 JUN 2022

BEFORE ME

KAVITA SHARMA
M.A.,LL.B.
ADVOCATE & NOTARY GOVT. OF INDIA
REG. No. 15563
C/26, Hiranandani CHS., Dadabhai Cross Road No. 2,
Andheri (West), Mumbai - 400 058.

Annexure - 1

O-25457/2021 CASE NO: Civil Writ Petition No. 2612/2021

Prepared by	: Ms. Pranali A. Ahire	Clerk	:
	: Ms. Shital N. Khade	Clerk	:
	: Mrs. Vidya S. Kumbhar	Clerk	:
	: Ms. Ashwini P. Kharade	Clerk	:
	: Mrs. Bhagyashree A. Surve	Clerk	:
	: Mrs Pooja P Khambekar	Clerk	: P.P. Kharabekar 14/10/2021
Compared by	:		: Certified By PA/PS

Verified & Examined by:

Mrs. P. P. Patil	Assistant Section Officer:
Mrs. N. S. Khodankar	Assistant Section Officer:
Mrs. K. S. Adhangale	Assistant Section Officer:
Mrs. C. S. Pillamari	Assistant Section Officer:
_____	Assistant Section Officer:
Mrs. P. P. Kolge	Section Officer:
_____	Section Officer:

C&P 14/10/2021

Pages: 14

Xeroxing and Comparing Charges TOTAL AMOUNT : Rs. 56/-

TOTAL RUPEES: Fifty six only

****

1) Date of Application : 14/10/2021
2) Date on which office objection removed : / /20
3) The date on which application was Completed : / /20
4) The date on which application was ready : 14/10/2021
5) The date on which copy was delivered : 20/10/2021

Assistant Section Officer
Certified Copy Branch
High Court, Appellate Side, Bombay

NOTARY
KAVITA SHARMA
Greater Mumbai
Maharashtra
Reg. No. 15563
GOVT. OF INDIA

This Order is modified/corrected by Speaking to Minutes Order Dtd. 14/10/2021

hcs

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2612 OF 2021

ACME Housing India Pvt. Ltd. & Anr. ... Petitioners
V/s.
State of Maharashtra & Ors. ... Respondents

Dr.Milind Sathe, Senior Advocate, Ms.Nanki Grewal, Mr.Viren Mandhle i/b Wadia Ghandy & Co. for the Petitioners.

Mr.A.M.Kulkarni "A" Panel Counsel with Mr.R.P.Kadam AGP for Respondent No.1 – State.

Dr.Ranji Thorat with Chirag Shah and Raj Adhia for Respondent Nos.2 & 3 – Thane Municipal Corporation.

CORAM: UJJAL BHUYAN AND
MADHAV JAMDAR, JJ.

DATE : 11TH OCTOBER, 2021.

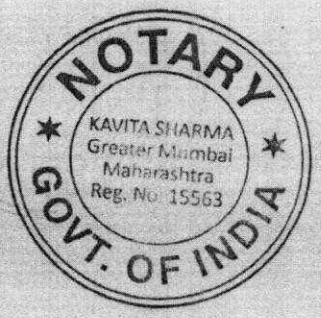
P.C:-

Heard Dr.Milind Sathe, learned Senior Counsel for the Petitioners; Mr.R.P.Kadam, learned AGP with Mr.A.M.Kulkarni, learned "A" Panel Counsel for Respondent Nos.1 and 4 – State; and Dr.Ranjit Thorat, learned Senior Counsel for Respondent Nos.2 and 3 – Thane Municipal Corporation.

2. Matter was heard at some length on 6.10.2021 on the issue of interim relief.

3. The order is dictated in open Court today.

::: Uploaded on - 12/10/2021 ::: Downloaded on - 14/10/2021 15:48:24 :::CMIS-CC
::: CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.



This Order is modified/corrected by Speaking to Minutes Order Dtd. 14/10/2021

4. For consideration of the prayer for interim relief, a brief recital of the facts is considered necessary.

4.1 Subject matter of the Writ Petition pertains to immovable property bearing Gut No.61/1 admeasuring 46,400 sq. mtrs. and Gut No.61/2 admeasuring 8,100 sq. mtrs., aggregating 54,500 sq. mtrs., situated at village Chitalsar, Manpada, Thane (referred to hereinafter as "said land")

5. On 25.07.1985, an order was passed by the Deputy Collector and Competent Authority under section 8(4) of the Urban Land (Ceiling and Regulation) Act, 1976 (referred to hereinafter as "ULC Act") computing surplus vacant land at 20,622.80 sq. mtrs. It may be mentioned that the said land was then under the ownership of the erstwhile owner Shah Malleable Castings Ltd.

6. Following the order dated 25.07.1985, the Joint Director of Industries (ULC Branch) passed the order under section 20(1) of the ULC Act on 21.01.1986 exempting the vacant land with respect to Gut No.61/1 forming part of said land from the provisions of Chapter III of the ULC Act. This exemption order was made subject to certain terms and conditions.

7. In the meanwhile development plan of Thane Municipal Corporation area was sanctioned in the year 1991. As per development plan, the said land was converted from industrial zone into partly residential zone and partly market and for road reservation.

8. In view of sanctioning of the development plan with conversion of said land from industrial zone to partly residential zone, erstwhile owners

::: Uploaded on - 12/10/2021 ::: Downloaded on - 14/10/2021 15:48:24 :::CMIS-CC
::: CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.



This Order is modified/corrected by Speaking to Minutes Order Dtd. 14/10/2021

hcs

submitted application before the Competent Authority for passing of revised order under section 8(4) of the ULC Act on 1.09.1997.

9. On the basis of the aforesaid application, the Competent Authority i.e. Deputy Collector passed fresh order on 20.11.1997 under section 8(4) of the ULC Act computing surplus vacant land to be 114.72 sq. mtrs. which was sought to be acquired from Gut No.61/2.

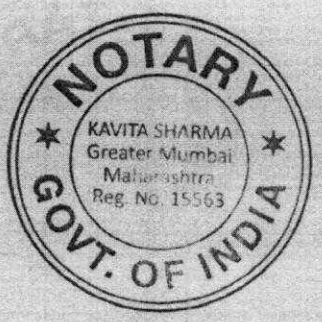
10. Thereafter notification dated 26.05.2005 was issued under section 10(1) of the ULC Act notifying the above area of 114.72 sq. mtrs. for acquisition from Gut No.61/2.

11. It may be mentioned that on 1.12.2007 State of Maharashtra adopted the Urban Land (Ceiling and Regulation) Repeal Act, 1999 and the same came into force with effect from 29.11.2007.

12. Government of Maharashtra framed rental housing policy for Municipal Corporation of Thane on 4.11.2008. This rental housing policy contemplated construction and handing over by the developer rental units free of costs to Mumbai Metropolitan Region Development Authority (MMRDA). The object of the rental housing plan was to provide affordable housing to persons belonging to lower income group on rental basis.

13. It is stated that on 18.03.2009 MMRDA granted location clearance to the Petitioners. It may be mentioned that in the year 2007 Petitioners had acquired right, title and interest over the said land from the erstwhile owners.

::: Uploaded on - 12/10/2021 ::: Downloaded on - 14/10/2021 15:48:24 :::CMIS-CC
::: CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.



This Order is modified/corrected by Speaking to Minutes Order Dtd. 14/10/2021

14. On 11.08.2011 Respondent No.2 had informed architect of the Petitioner that said land was transferred from industrial zone to residential zone with certain market and road reservations.

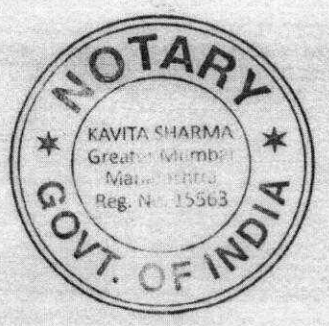
15. Though certain developments had taken place in the interregnum, reference to the same may not be necessary for the purpose of the present order.

16. On 25.02.2021 Respondent No.4 i.e. Collector of Thane issued letter directing Respondent No.5 - Tahsildar, Thane for insertion of entry in 7/12 extracts of Gut No.61/1 on the ground that said land was exempted for industrial purpose and there was prohibition on transfer without prior permission of the Government. This was followed by insertion of mutation entry No.1125 in the 7/12 extracts of Gut No.61/1 on 26.02.2021 stating that under section 20 of the ULC Act exemption was granted for industrial purpose and that there was prohibition on transfer without prior permission of the Government. Thereafter notice was issued by Respondent No.3 to the Petitioners on 25.05.2021 to show cause as to why Petitioners should not be directed to stop work. Ultimately, stop work notice was issued to the Petitioners by Respondent No.3 on 10.06.2021.

17. It was at that stage that the present Writ Petition came to be filed assailing the letter dated 25.02.2021, mutation entry No.1125 dated 26.02.2021 and the notice dated 10.6.2021.

17.1. This Court by order dated 24.08.2021 recorded the grievance of the Petitioners and called upon learned Counsel for the Respondents to obtain instructions regarding withdrawal of stop work notice and to pass fresh orders after hearing the Petitioners. Order dated 24.08.2021 reads as under :

::: Uploaded on - 12/10/2021 ::: Downloaded on - 14/10/2021 15:48:24 :::CMIS-CC
::: CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.



(5)

This Order is modified/corrected by Speaking to Minutes Order Dtd. 14/10/2021

hcs

"Heard. By this petition under Article 226 of the Constitution of India, the Petitioners are seeking declaration that the Urban Land (Ceiling and Regulation) Act 1976 (ULC Act) does not apply to the land bearing Gut No.61/1 and 61/2, Village Chitalsar, Manpada, Thane admeasuring 54500 sq.mtr. The Petitioners also seek to direct Respondent Nos.4 to withdraw / cancel the communication dated 25.02.2021 and direct them to delete the ME No.1125 dated 26.02.2021 from the revenue record of the said land. The Petitioners also challenge the letter dated 25.05.2021 and 10.06.2021 issued by Respondent No.3 Thane Municipal Corporation restraining the Petitioners from continuing the construction work on the plot bearing No.61/1 and 61/2 ofVillage Chitalsar, Manpada, Thane.

2 The learned senior counsel for the Petitioners submits that in the present proceedings the Respondent Thane Municipal Corporation had issued show cause notice dated 25.05.2021 calling upon the Petitioners to show cause, why stop work notice should not be issued to them in respect of the construction on a plot bearing Gut No.61/1 and 61/2.The Municipal Corporation called upon the Petitioners to submit their reply within 15 days from the date of the said show cause notice. It is also stated in the said show cause notice that if the explanation is not filed within 15 days, it will be construed that the Petitioners have nothing to say and further necessary action would be taken, as per the Rules. The learned senior counsel for the Petitioners submits that as soon as they received show cause notice dated 25.05.2021, they replied by their letter dated 10.06.2021 explaining how the said land is not affected by the ULC Act and also the ME No.1125 is not correct. The learned senior counsel for the Petitioners

::: Uploaded on - 12/10/2021 ::: Downloaded on - 14/10/2021 15:48:24 :::CMIS-CC
::: CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.

NOTARY
KAVITA SHARMA
Greater Mumbai
Maharashtra
Reg. No. 15563
GOVT. OF INDIA

This Order is modified/corrected by Speaking to Minutes Order Dtd. 14/10/2021

hcs

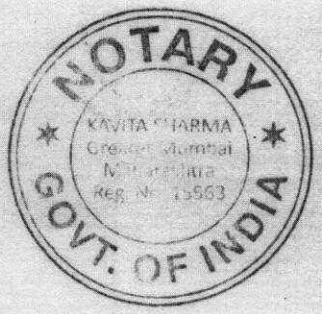
submits that before completion of 15 days from the date of issuance of show cause notice, the Respondent Corporation issued stop work notice of the construction work on the said land on 10.06.2021 itself. He submits that the said stop work notice dated 10.06.2021 has been issued by the Respondent without hearing the Petitioners and /or considering the reply. He submits that before completion of 15 days from the date of show cause notice, they passed the impugned notice dated 10.06.2021. He submits that on this count, the said show cause notice is required to be set aside.

3 When this court had called upon the advocate for the Municipal Corporation, whether they are ready and willing to withdraw the stop work notice dated 25.05.2021 and hear the Petitioners and pass an order thereafter, the learned senior counsel for the Respondents seeks sometime to take instructions from the concerned authority. At his request, Office is directed to place the matter on board 25.08.2021."

18. On 25.08.2021 learned Counsel representing Respondent Nos.2 and 3 submitted that he had received instructions that said Respondents would hear the Petitioners afresh. On that basis stop work notice dated 10.06.2021 was set aside and Respondent No.3 was directed to hear the Petitioners afresh. Order dated 25.08.2021 is extracted hereunder :

"Heard.

2. The learned senior counsel for Respondent Nos. 2 and 3 submits that he received instructions from his client that they are ready and willing to hear the Petitioners on the notice dated 25/05/2021 on 27/08/2021 at 3.00 p.m. The statement is accepted.



::: Uploaded on - 12/10/2021 ::: Downloaded on - 14/10/2021 15:48:24 :::CMIS-CC
::: CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.

3. At this stage, the learned senior counsel for the Petitioners submits that they may be permitted to file an additional submissions before Respondent No.3 on or before 26/08/2021. The same is permitted.

4. Without going through the merits of the matter, the following order is passed:

a. Order dated 10/06/2021 (Exhibit-CC, Page-288) passed by Respondent Corporation about to stop work is set aside.

b. The Petitioners are permitted to file an additional submissions with Respondent No.3 on or before 26/08/2021.

c. Respondent No.3 to hear the Petitioners on 27/08/2021 as per their notice dated 25/05/2021 at 3.00 p.m.

d. Respondent No.3 to communicate their decision in writing to the Petitioner immediately.

e. The Respondents to file reply on or before 01/09/2021, with copy to other side.

f. Matter to appear on board on 03/09/2021."

19. Thereafter Petitioners were heard by the said Respondents. By letter dated 30.08.2021, Respondent No.3 informed the Petitioners that their submissions were rejected and that there was no reason to withdraw the impugned letter dated 25.05.2021. This was followed by stop construction notice dated 30.08.2021 addressed to the Petitioners by Respondent No.3.

::: Uploaded on - 12/10/2021 ::: Downloaded on - 14/10/2021 15:48:24 :::CMIS-CC
::: CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.

NOTARY
KAVITA SHARMA
Greater Mumbai
Maharashtra
Reg. No. 15563
GOVT. OF INDIA

20. The above developments have since been brought on record by way of amendment of the Writ Petition with additional challenge to the above notice dated 30.08.2021.

21. In the hearing which took place on 30.09.2021 Mr.Thorat, learned Senior Counsel for the Thane Municipal Corporation i.e. Respondent Nos.2 and 3 submitted that the said Respondents had only carried out the directions of the Collector. Therefore the primary authority to defend the impugned order would be the Collector.

22. Respondent Nos.1 and 4 have filed reply affidavit through Shri Rajesh J. Narvekar, Collector and Competent Authority, Thane Urban Agglomeration, Thane. We will advert to this affidavit when we deal with the submissions made by the learned AGP.

23. Dr.Sathe, learned Senior Counsel for the Petitioners submits that after revised order under section 8(4) of the ULC Act was passed on 20.11.1997, the original order under section 8(4) dated 25.07.1985 had ceased to exist. It is the revised order which holds the field. Therefore exemption order passed under section 20(1) of the ULC Act on 21.01.1986 based on the earlier section 8(4) order would not survive. In support of his submission, learned Senior Counsel has relied on the provisions of the ULC Act as well as a Division Bench decision of this Court in ***Bombay Fibre Industries Pvt. Ltd. vs. State of Maharashtra; 2018 (3) Mh.L.J. 404***. In addition, he submits that impugned action of the Respondents is highly unfair and unjust. Petitioners are presently constructing six rental housing buildings comprising 2448 residential units and 54 commercial units; 10 sale buildings comprising 1862 residential units and 194 commercial units. Petitioners have obtained occupancy certificate for four buildings

NOTARY GOVT. OF INDIA

::: Uploaded on - 12/10/2021 ::: Downloaded on - 14/10/2021 15:48:24 :::CMIS-CC
::: CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.

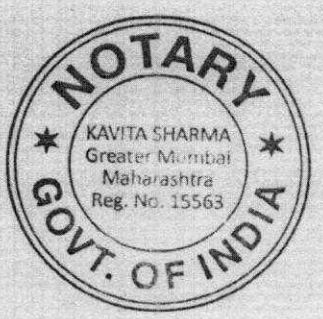
This Order is modified/corrected by Speaking to Minutes Order Dtd. 14/10/2021

hcs

from the rental housing component comprising 1609 residential units and 41 commercial units as well as six buildings from the sale component comprising of 1010 residential units and 7 commercial units. Two buildings from the rental component and five buildings from the sale component are still under construction. As on date, Petitioners have handed over 496 units to MMRDA, having invested about Rs.1352 crores towards development of the said land. At this stage it would be wholly unfair and inequitable to direct the Petitioners to stop work on the above ground which otherwise also is highly unsustainable in law.

24. Learned AGP for the Respondent-State has strongly contested the submissions made by Dr.Sathe, learned Senior Counsel for the Petitioners. Relying on the reply affidavit as well as the provisions of the ULC Repeal Act more particularly section 3 thereof he submits that the conditions of exemption order under section 20 of the ULC Act will survive despite repeal of the ULC Act. Referring to the revised order dated 20.11.1997 passed under section 8(4) he submits that the said order was passed after deducting exempted area for industrial use as per the exemption order. After referring to the details in paragraph 7 of the reply affidavit, he submits that as against 114.72 sq. mtrs., surplus vacant land is actually 43,871.32 sq. mtrs. If the land was under industrial zone then for conversion and exemption to construct housing premises, permission of the State Government is required. That having not been done, no fault could be found with the impugned letters and actions of the Respondents. Referring to the averments made in paragraph 11 of the reply affidavit, he submits that as per Government Resolution dated 17.07.1997 if previous order passed under section 20 of the ULC Act is for industrial purpose, due to change in Development Control Rules, change of user of such land is permitted but before passing any revised order under section 8(4) of the

::: Uploaded on - 12/10/2021 ::: Downloaded on - 14/10/2021 15:48:24 :::CMIS-CC
::: CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.



This Order is modified/corrected by Speaking to Minutes Order Dtd. 14/10/2021

hcs

ULC Act, the order passed under section 20 has to be cancelled first. He further submits that even otherwise also no prejudice will be caused to the Petitioners by the impugned action as the Petitioners can apply for use of such land by paying higher premium, which is 15% of the annual statement rate (ASR), as a one time settlement mentioned in paragraph 21 of the reply affidavit. Therefore submission is that no interim relief should be granted to the Petitioners.

25. Submissions made by learned Counsel for the parties have been duly considered.

26. Section 6 of the ULC Act provides that every person holding vacant land in excess of ceiling limit at the commencement of the ULC Act should file a statement before the jurisdictional Competent Authority specifying details of vacant excess land. Once such statement is filed, the Competent Authority is required to carry out inquiry under section 8 and thereafter prepare a draft statement. Sub-section (4) of section 8 is relevant. It says that the Competent Authority shall duly consider any objection received within the period specified and after giving the objector, if any, reasonable opportunity of being heard pass such orders as it deems fit.

26.1. State Government was conferred power to exempt such vacant surplus land from the purview of the ULC Act under section 20. It says that notwithstanding anything contained in Chapter III of the ULC Act, the State Government may by order exempt such vacant land from the provisions of Chapter III subject to conditions that may be specified. Such exemption order can be passed by the State Government either on its own motion or otherwise.

::: Uploaded on - 12/10/2021 ::: Downloaded on - 14/10/2021 15:48:24 :::CMIS-CC
::: CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.

NOTARY
KAVITA SHARMA
Greater Mumbai
Maharashtra
Reg. No. 15563
GOVT. OF INDIA

This Order is modified/corrected by Speaking to Minutes Order Dtd. 14/10/2021

hcs

27. By the Urban Land (Ceiling and Regulation) Repeal Act, 1999 the ULC Act was repealed. However, as per section 3(1)(b) the repeal of ULC Act would not effect the validity of any order granting exemption under sub-section (1) of section 20 or any action taken thereunder notwithstanding any judgment of any Court to the contrary.

28. In the present case what we find is that initially an order was passed under section 8(4) on 25.07.1985 declaring certain areas from Gut No.61/2 and part of Gut No.61/1 as surplus vacant land. On the basis of such order passed under section 8(4) the exemption order in respect of surplus vacant land came to be issued on 21.01.1986. It may be mentioned that the exemption order was in respect of Gut No.61/1 only. As we have noticed above, the development plan of Thane Municipal Corporation area was sanctioned in 1991 whereafter erstwhile owners of the said land had submitted an application for passing of revised order under section 8(4) of the ULC Act. On the basis of such application, the Competent Authority passed fresh order under section 8(4) of the ULC Act, this time computing the surplus vacant land to be 114.72 sq. mtrs. and sought to be acquired from Gut No.61/2. This order came to be passed on 20.11.1997. Following this order vacant surplus land was acquired as per the procedure laid down in the ULC Act.

29. Question for consideration is after revised order under section 8(4) is passed, what would be legal status of exemption order passed under section 20(1) of the ULC Act passed on the basis of previous section 8(4) order ?

30. On a *prima facie* understanding of the fact situation, a view can be taken that upon revision, the earlier order no longer exists and what exists

::: Uploaded on - 12/10/2021 ::: Downloaded on - 14/10/2021 15:48:24 :::CMIS-CC
::: CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.



This Order is modified/corrected by Speaking to Minutes Order Dtd. 14/10/2021

is the revised order. If that be so then a *prima facie* view can also be taken that the exemption order which was passed on the basis of the initial section 8(4) order may have become redundant after passing of the revised order.

31. A Division Bench of this Court in ***Bombay Fibre Industries Pvt. Ltd.*** (supra) referring to one of its earlier decisions in ***M/s.Essen Realtors vs. State of Maharashtra,*** decided on 7.11.2017, has taken the view that upon passing of fresh order under section 8(4) of the ULC Act holding that the original owner did not hold vacant land in excess of ceiling limit, the exemption order under section 20 of the ULC Act becomes nonest and a declaration regarding cancellation of the exemption order is not necessary.

32. Of course, in that case original section 8(4) order was set aside by the Appellate Authority whereafter the matter was sent back on remand. It was on remand that fresh order under section 8(4) was passed and it was in that context the above principle of law has been laid down. Nonetheless in the said case, this Court referred to section 3(1)(b) of the ULC Repeal Act and held that the savings clause under section 3 of the ULC Repeal Act would operate only in cases where a valid exemption order under section 20 of the ULC Act is existing. When the subsequent revised order was passed by the Competent Authority under section 8(4) of the ULC Act whereby it was held that the owner did not have land in excess of the ceiling limit, question of existence of exemption order under section 20 of the ULC Act would not arise. Once it is held that exemption order under section 20 of the said Act ceases to exist or it stood cancelled upon the Competent Authority passing fresh order under section 8(4) there can be no mutation entry pertaining to the land in question stating that the land is subject to exemption under section 20 of the ULC Act for industrial user.

::: Uploaded on - 12/10/2021 ::: Downloaded on - 14/10/2021 15:48:24 :::CMIS-CC
::: CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.

NOTARY
KAVITA SHARMA
Greater Mumbai
Maharashtra
Reg. No. 15563
GOVT. OF INDIA

33. *Prima facie* the principle of law laid down in ***Bombay Fibre Industries Pvt. Ltd.*** (supra) would be applicable to the facts of present case. As already noted above, the issue involved is what would be the impact of the revised order under section 8(4) on the exemption order under section 20 passed on the basis of the earlier section 8(4) order ? This will require further deliberation.

34. In the circumstances the following order is passed :

(i) Let the Writ Petition be admitted for hearing.

(ii) As an interim measure, we direct stay of mutation entry No.1125 and the stop work notices dated 30.06.2021 and 30.08.2021.

(iii) Respondent No.4 shall inform the Petitioner the amount of premium @ 15% of the ASR as mentioned in paragraph 21 of the affidavit in reply. Petitioners shall identify and not sell the flats of that value as per the ready reckoner rate for the year 2021 from the sale building pending the hearing of the Writ Petition.

(iv) Hearing of the Writ Petition is expedited.

Sd/-
[MADHAV JAMDAR, J.]

Sd/-
[UJJAL BHUYAN, J.]

::: Uploaded on - 12/10/2021 ::: Downloaded on - 14/10/2021 15:48:24 :::CMIS-CC
::: CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.

NOTARY
KAVITA SHARMA
Greater Mumbai
Maharashtra
Reg. No. 15563
GOVT. OF INDIA

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2612 OF 2021

ACME Housing India Pvt. Ltd. and Anr. ..Petitioners
Versus
State of Maharashtra and Ors. ..Respondents

Mr. Viren Mandhle a/w Ms. Nanki Grewal i/by Wadia Ghandy & Co., for the Petitioners.

CORAM : UJJAL BHUYAN &
MADHAV J. JAMDAR, JJ.
DATE : 14th OCTOBER, 2021

P.C.

Not on board. Upon mentioning, taken on board.

2. A praecipe has been filed by learned counsel for the petitioners for speaking to the minutes of the order dated 11.10.2021.

3. Learned counsel for the petitioners submits that in paragraph 34(ii) instead of "stop work notices dated 30.06.2021 and 30.08.2021" it should be "stop work notice dated 30.08.2021".

4. In view thereof, in paragraph 34(ii) of order dated 11.10.2021 the expression "**stop work notices dated 30.06.2021 and 30.08.2021**" stands substituted by the expression "**stop work notice dated 30.08.2021**".

5. Rest of the order remains as it is.

Sd/-
MADHAV J. JAMDAR, J

Sd/-
UJJAL BHUYAN, J

BC

::: Downloaded on - 14/10/2021 15:48:28 :::CMIS-CC
D CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.

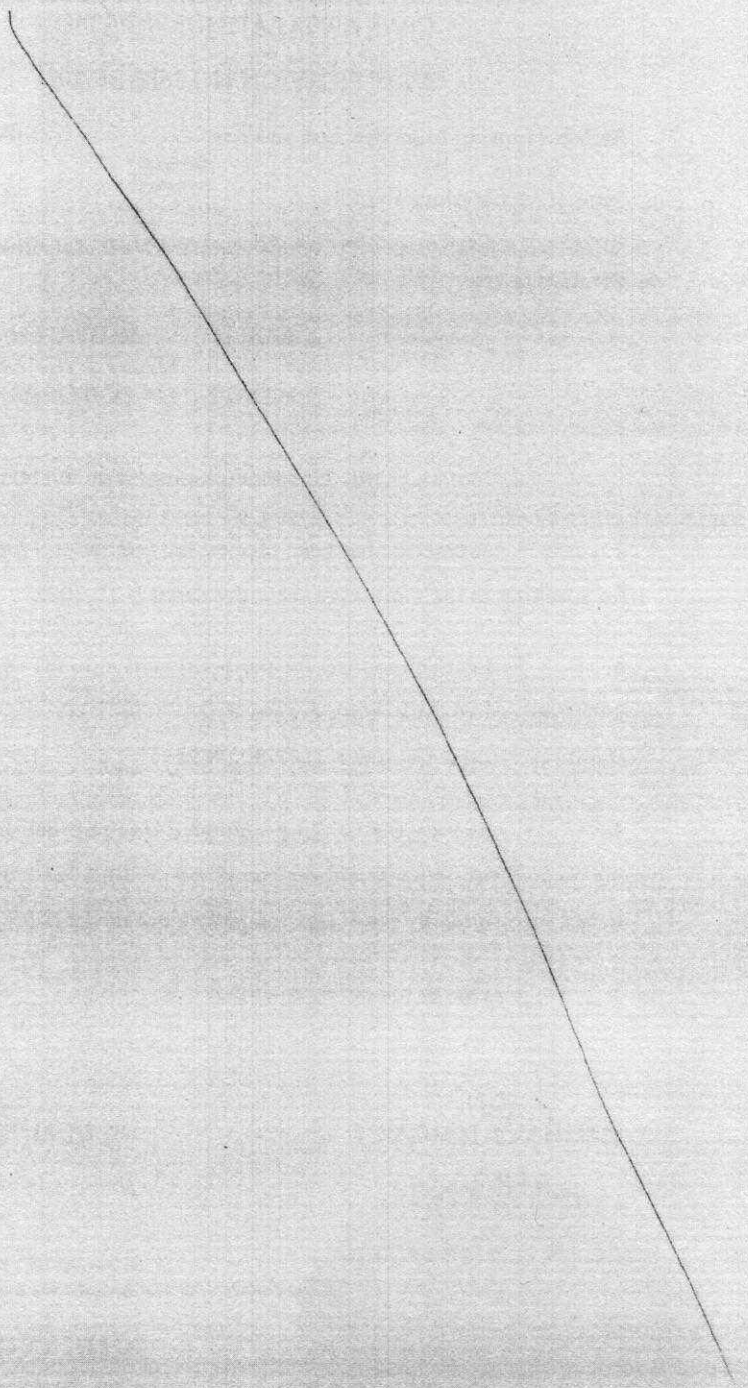
TRUE COPY

14/10/2021

Assistant Registrar
High Court, Appellate Side
Bombay 400 032

4902
14/10/2021
PPK

NOTARY
KAVITA SHARMA
Greater Mumbai
Maharashtra
Reg. No. 15563
GOVT. OF INDIA



Annexure - 2

(14)

(Prod)-WP-2612-21.doc

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2612 OF 2021

ACME Housing India Pvt. Ltd. and Anr. ..Petitioners
Versus
State of Maharashtra and Ors. ..Respondents

Mr. Viren Mandhle a/w Ms. Nanki Grewal i/by Wadia Ghandy & Co., for the Petitioners.

CORAM : UJJAL BHUYAN &
MADHAV J. JAMDAR, JJ.
DATE : 14th OCTOBER, 2021

P.C.

Not on board. Upon mentioning, taken on board.

2. A praecipe has been filed by learned counsel for the petitioners for speaking to the minutes of the order dated 11.10.2021.

3. Learned counsel for the petitioners submits that in paragraph 34(ii) instead of "stop work notices dated 30.06.2021 and 30.08.2021" it should be "stop work notice dated 30.08.2021".

4. In view thereof, in paragraph 34(ii) of order dated 11.10.2021 the expression "**stop work notices dated 30.06.2021 and 30.08.2021**" stands substituted by the expression "**stop work notice dated 30.08.2021**".

5. Rest of the order remains as it is.

NOTARY
KAVITA SHARMA
Greater Mumbai
GOVT. OF INDIA

Sd/-
MADHAV J. JAMDAR, J

Sd/-
UJJAL BHUYAN, J

BG

1 of 1

::: Downloaded on - 14/10/2021 15:48:28 :::CMIS-CC
D CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.

TRUE COPY

14/10/2021

24902
14/10/2021
PPK

Assistant Registrar
High Court, Appellate Side
Bombay 400 032

Annexure - '3'

जिल्हाधिकारी व सक्षम प्राधिकारी, ठाणे नागरी संकुलन, ठाणे

जिल्हाधिकारी कार्यालय इमारत, दुसरा मजला

दुरध्वनी क्र.०२२-२५३४३४९२ ईमेल- ulcthane 27@ rediffmail.com

जा.क्र.युएलसी/ टिए/एटिपी/कलम २०/औद्योगिक/उच्च न्यायालय/2612 दि. 24/2022

मा.उच्च न्यायालय संदर्भ

प्रति,
मे. शहा मेलेबल कास्टिंग प्रा.लि. तर्फे
मे. ॲक्मे हौसिंग इंडीया प्रा.लि.
ॲक्मे घर १९, केडी रोड, ऑफ वैकूंठलाल मेहता रोड,
विले पार्ले (प.), मुंबई ४०० ०५६.

NOTARY
KAVITA SHARMA
Greater Mumbai
Maharashtra
Reg. No. 15563
GOVT. OF INDIA

विषय- मा. उच्च न्यायालय मुंबई येथे दाखल रिट पिटशन क्र. २६१२/२०२१
ॲक्मे हौसिंग इंडीया प्रा.लि. व इतर
विरुध्द
महाराष्ट्र शासन व इतर
मौजे चितळसर मानपाड ता. जि. ठाणे येथील
स.क्र. ६१/१पै व स.नं. ६१/२ चे वार्षिक मुल्यदर तक्तयानुसार दरपत्रक मिळणेबाबत.

संदर्भ:-मा. उच्च न्यायालयातील आदेश दि. ११/१०/२०२१

उपरोक्त विषयांकित प्रकरणी मे. शहा मेलेबल कास्टिंग प्रा. लि. यांचे मौजे चितळसर-मानपाडा, ता. जि. ठाणे येथील स.क्र. ६१/१पै चे ३५१५६.१८ चौ.मी. क्षेत्राकरीता शासनाच्या उद्योग संचालनालयाकडील आदेश क्र. युएलसी/एस ३१/एनसी/डीसी/जीडीए/ बी/५२४७, दिनांक २१/०१/१९८६ रोजीच्या आदेशान्वये औद्योगिक कारणासाठी सूटीचे आदेश पारित करण्यात आलेले आहेत.

उपरोक्त मिळकतीबाबत मा. उच्च न्यायालयात विषयांकित रिट याचिका दाखल असून, सदर रिट याचिकेमध्ये मा. उच्च न्यायालयाने दि. ११/१०/२०२१ रोजी खालील प्रमाणे आदेश पारित केलेले आहेत.

1. Let the Writ Petition be admitted for hearing
2. As an interim measure, we direct stay of mutation entry no. 1125 and the stop work notices dated 30.06.2021 and 30.08.2021
3. Respondent no. 4 shall inform the petitioner the amount of premium @15% of the ASR as mentioned in paragraph 21 of the affidavit in reply. Petitioners shall identify and not sell the flats of that value as per the ready reckoner rate for the year 2021 from the sale building pending the hearing of the Writ Petition.
4. Hearing of the Writ Petition is axpedited.

उपरोक्त नमूद निर्णयाचे अनुषंगाने कार्यवाही करणेचे दृष्टीने मौजे चितळसर मानपाडा, ता.जि.ठाणे येथील गट क्र.६१/१, ६१/२ या मिळकतीबाबत महाराष्ट्र शासनाचे नोंदणी व मुद्रांक विभागाकडील igrmaharashtra.gov.in या संकेत स्थळावर शोध घेतला असता, माहिती उपलब्ध नसल्यलाचे आढळून आल्याने, प्रस्तुत मिळकतीबाबत सन २०२१ चे वार्षिक बाजारमुल्यदर तक्त्यानुसार मुल्यदर विभाग व खुल्या

जमिनीचा दरपत्रक उपलब्ध करुन देणेबाबत सह जिल्हा निबंधक तथा मुद्रांक जिल्हाधिकारी, ठाणे शहर यांना कळविण्यात आले होते. त्या अनुषंगाने सह जिल्हा निबंधक तथा मुद्रांक जिल्हाधिकारी, ठाणे शहर यांनी त्यांचेकडील पत्र जा. क्र. सजिनी/ठाणे-शहर/मुल्यदर विभाग व दर /मौजे-चि.मानपाडा/२०५०२०-२२ दि. १०/१२/२०२१ अन्वये मौजे चितळसर-मानपाडा स.नं. ६१/१ व ६१/२ ही जमीन ठाणे महानगरपालिकेतील मौजे चितळसर-मानपाडा या गावच्या सन २०२०-२१ च्या वार्षिक मुल्यदर तक्त्यातील विभाग क्र.७/३१/१/A (शुभारंभ हौसिंग कॉम्प्लेक्स) मध्ये समाविष्ट होत असल्याचे नमूद करुन, सोबत सन २०२०-२१ च्या वार्षिक मुल्यदर तक्त्याची प्रत सादर केली आहे. सदर मुल्यदर तक्त्याचा तपशिल खालील प्रमाणे-

मुल्यदर विभाग	मुल्यदर विभागाचा तपशिल	खुली जमीन	निवासी इमारत	वरच्या मजल्यावरील कार्या./व्याव.	तळ मजल्यावरील दुकाने / व्याव.	औद्योगिक क्षेत्र	मोजमापाचे एकक
७/३१/१/A	शुभारंभ हौ. कॉम्प्लेक्स गट नं.	४३५००	११५१००	१२७७००	१५२६००	१२७७००	चौ.मी.

उपरोक्त नमूद मुल्यदर तक्त्यानुसार मा. उच्च न्यायालयाचे निर्देशानुसार, सह जिल्हा निबंधक तथा मुद्रांक जिल्हाधिकारी, ठाणे शहर यांनी कळविलेल्या दरानुसार, शासनाच्या दिनांक १ ऑगस्ट २०१९ च्या शासन निर्णयातील १(ब) नुसार मौजे चितळसर मानपाडा येथील गट क्र. ६१/१पै चे औद्योगिक प्रयोजनासाठीचे योजनेतील क्षेत्र ३५१५६.१८ चौ.मी. क्षेत्रासाठी प्रचलित सन २०२१ चे वार्षिक मुल्यदर तक्त्यामधील मुल्यदरानुसार १५ % प्रमाणे अधिमुल्याची परिगणना खालील प्रमाणे होत आहे.

मौजे	स.क्र./गट क्रमांक	मुल्य दर विभाग	खुली जमीन दर	क्षेत्र चौ.मी.	एकूण रक्कम (६=४x५x१५%)
१	२	३	४	५	६
चितळसर मानपाडा	६१/१पै	७/३१/१/A	४३५००/-	३५१५६.१८	२२,९३,९४,०७५/-

तरी मा. उच्च न्यायालयाचे दिनांक ११/१०/२०२१ रोजीचे निर्णयातील निर्देशानुसार शासनाच्या उद्योग संचालनालयाकडील आदेश क्र. युएलसी/एस ३१/एनसी/डीसी/जीडीए/ बी/५२४७, दिनांक २१/०१/१९८६ चे आदेशातील मौजे चितळसर-मानपाडा ता. जि. ठाणे येथील स.क्र. ६१/१पै चे ३५१५६.१८ चौ.मी. या औद्योगिक प्रयोजनासाठीचे क्षेत्राबाबत शा.नि. दिनांक ०१/०८/२०१९ नुसार १५% अधिमुल्याची रक्कम रुपये २२,९३,९४,०७५/- इतकी परिगणित होत असून, सदर योजनेच्या जागेवरील इमारतीमधील १५ टक्के प्रमाणे होणाऱ्या रकमेच्या तुळणेत निवासी इमारतीचा बाजारभाव र.रु. ११५१००/-प्र.चौ.मी. विचारात घेता राखून ठेवावयाच्या बांधिव क्षेत्राचा तपशिल खालील प्रमाणे-

निवासी इमारतीचा दर रु. प्र.चौ.मी.	१५% प्रमाणे येणारी एकूण रक्कम रुपये	राखून ठेवावयाचे बांधिव क्षेत्र चौ.मी.
११५१००/-	२२,९३,९४,०७५/-	१९९३.००

NOTARY
KAVITA SHARMA
Greater Mumbai
Maharashtra
Reg. No. 15563
GOVT. OF INDIA

वरील प्रमाणे मा. उच्च न्यायालयाचे दि. ११/१०/२०२१ रोजीचे निर्देशाप्रमाणे शासन निर्णय दि. ०१/०८/२०१९ चे शासन निर्णयानुसार खुल्या जमिनीचा दर विचारात घेऊन परिगणित केलेली अधिमुल्याची रक्कम रु. २२,९३,९४,०७५/- (रु. बावीस कोटी त्र्यान्नव लाख चौऱ्यान्नव हजार पंचाहत्तर मात्र) च्या तुळणेत मा. उच्च न्यायालयाचा अंतिम निर्णय होईलपर्यंत योजनेच्या जागेवरील इमारतीमध्ये मजल्याच्या स्वरुपात

१९९३.०० चौ.मी. बांधिव क्षेत्र राखून ठेवणेत यावे. सदर मजल्याच्या स्वरुपातील राखून ठेवावयाचे बांधिव क्षेत्राचा तपशिल इमारत क्र. , मजला, सदनिका क्र., बांधिव क्षेत्र याचे तपशिलासह र.रु. १००/- चे स्टॅम्प पेपरवरील प्रतिज्ञापत्र सदर पत्र प्राप्त होताच आठ दिवसात या कार्यालयात सादर करावे. सदरचे राखून ठेवलेले बांधकामाचे क्षेत्र मा. उच्च न्यायालयाच्या अंतिम निर्णयापर्यंत विक्री करता येणार नाहीत. मा. उच्च न्यायालयाचे दिनांक ११/१०/२०२१ रोजीच्या आदेशाचा अवमान होणार नाही याची कृपया दक्षता घ्यावी.

(सुदाम परदेशी)
निवासी उप जिल्हाधिकारी व समन्वय अधिकारी
जिल्हाधिकारी व सक्षम प्राधिकारी
ठाणे नागरी संकुलन, ठाणे यांचे करीता

स्वाक्ष प्रतीवर मा. जिल्हाधिकारी व सक्षम प्राधिकारी यांची सही असे.

NOTARY
KAVITA SHARMA
Greater Mumbai
GOVT. OF IN

(English Translation)

Collector and Competent Authority, Thane Nagari Sankulan, Thane

Collector Office Building, 2nd Floor

Telephone No. 022-25343492 Email- ulethane27@rediffmail.com

No. ULC / TA / ATP / Sec. 20 / Industrial / High Court / 289/22 Date: 02/05/2022

High Court Reference

To
M/s. Shah Melabable Casting Pvt. Ltd., through
M/s. Acme Housing India Pvt. Ltd.,
Acme House 19, KD Road,
Off Vaikunthalal Mehta Road,
Vile Parle (W), Mumbai 400 056.

NOTARY GOVT. INDIA

Subject- Writ petition filed in Hon'ble High Court Mumbai no. 2612/2021
Acme Housing India Pvt. And others
Versus
State of Mah. And others
Mauje Chitalsar, Manpad, Tal. & Dist. Thane

Getting copy of Annual Statement Rate i.e. ASR (Ready Reckoner Chart) in respect of land at S.No. 61/1 and S.No. 61/2

Ref: - Order dt.11/10/2021of the Hon'ble High Court

In the above subject matter, exemption order for 'Industrial Use' has been passed pursuant to order of Directorate of Industries, Govt. of Maharashtra, bearing No. ULC / S31 / NC / DC / GDA / B / 5247 dated 21/01/1986 in respect of land in S.No. 61/1 Part for the area Adm. 35156.18 Sq. Mtr.

In connection with the above property, a writ petition has been filed in the Hon'ble High Court and in this matter Hon'ble Court has passed the following orders on 11/10/2021.

1. Let the Writ Petition be admitted for hearing
2. As an interim measure, we direct stay of mutation entry no. 1125 and the stop work notices dated 30.06.2021 and 30.08.2021
3. Respondent no. 4 shall inform the petitioner the amount of premium @ 15% of the ASR as mentioned in paragraph 21 of the affidavit in reply. Petitioners shall identify and not sell the flats of that value as per the ready reckoner rate for the year 2021 from the sale building pending the hearing of the Writ Petition.
4. Hearing of the Writ Petition is expedited.

In order to take action in accordance with the aforesaid court order, the information regarding the valuation of property of Gut No. 61/1, 61/2 at Mauje Chitalsar Manpada, Tq. & Dist. Thane, on-line search was taken on the Web site of Inspector General of Stamps & Registration Department i.e. on web-site igrmaharashtra.gov in. but necessary on-line information is not available. Hence it was communicated to the Joint District Registrar and Collector of Stamps, Thane City to supply the copy of A.S.R. for the year 2021 relevant to above property. Pursuant to which, the District Registrar and Collector of Stamps, Thane City vide letter No. Sajini / Thane-City / Valuation Dept. and Rate/Mauje- Chi.Manpada/205020-22 dated 10/12/2021 has informed that, the land in Sy. No. 61/1 and 61/2 at Mauje Chitalsar-Manpada has been included in A.S.R 2020-21 in Zone No. 7/31/1/A (Shubharambh Housing Complex) and also supplied a copy of Annual Statement Rates 2020-21, the details of which are as under

Valuation Zone No.	Description of zone	Open land	Residential Bldg.	Office/ commercial at Upper floor	Shop/ commercial in Ground Floor	Industrial Area	Unit of Measurement
7/31/1/A	Shubharambh Housing	43500	115100	127700	152600	127700	Sq. Mtr.

NOTARY
KAVITA SHARMA
Greater Mumbai
Maharashtra
Reg. No. 15563
GOVT. OF INDIA

	Complex Gut No.						

In view of above table and as per the directions of Hon'ble High Court, considering the rates reported by the Joint District Registrar and Collector of Stamps, Thane City, and as per Clause 1 (b) of the Government Resolution dated 1st August 2019, the amount of premium @ 15% of the prevailing ASR-2021 for the area 35156.18 sq.m. from the land in Gut No. 61/1 part for industrial purposes, has been calculated as under-

Village	Sy. No./ Gut No.	Valuation Zone	Open land Rate	Area Sq. Mtr.	Total Amount (6 = 4x5x15%)
1	2	3	4	5	6
Chitalsar-Manpada	61/1 part	7/31/1/A	43500/-	35156.18	22,93,94,075/-

As per the order of the High Court dated 11/10/2021, as per the valuation of land situated in S.No. 61/1 Part at village Chitalsar-Manpada which land has been stipulated in the order of Directorate of Industries, Govt. of Maharashtra, bearing No. ULC / S31 / NC / DC / GDA / B / 5247 dated 21/01/1986 Adm. 35156.18 Sq. Mtr. For 'Industrial Use' and as laid down in Govt. Resolution dated 01/08/2019, the amount of 15% premium is calculated as Rs.22,93,94,075/-. In comparison to open land rate, the market rate for residential building is Rs.115100/- per Sq. Mtr. in view of this consideration amount as per 15%, the details of area reserved for construction has been calculated as under

Rate per Sq. Mtr. for residential building (Amount in Rs.)	Total amount as per 15%	Area reserved as built up area (Sq. Mtr.)
115100/-	22,93,94,075/-	1993.00

As per the directions of Hon. High Court dt.11/10/2021 and in view of Government Resolution dated 01/08/2019, considering the rate of open land, the

NOTARY KAVITA SHARMA Thane Mumbai GOVT. OF INDIA

amount of premium has been calculated to Rs.22,93,94,075 / - (Rupees twenty two crores ninety three lakhs ninety four thousand seventy five only) and in proportionate to this, till the final decision of the High Court, on the said land under the scheme, area of 1993.00 sq.m. be reserved as construction area/ built up area in the form of floors of the building. The details of this reserve built up area e.g. Building No., floor, Flat No. etc. shall be specifically mentioned in the affidavit to be made on the stamp paper of Rs.100/- and this Affidavit should be submitted to this office within eight days from the date of receipt of this letter. The reserved construction area shall not be sold until final decision of High Court. Please take care that, there is no contempt of court order dated 11/10/2021.

Office copy bears the signature

Of Collector-cum- Competent Authority under ULC

Sd/-xx (Sudam Pardeshi)

Resident Deputy Collector and Coordinating Officer

For Collector and competent authority under ULC Act, Thane



ANNEXURE-IV

SERIAL NO.	FLAT NO.	FLOOR NO.	TOTAL BUILT UP AREA (SQ.MTRS)
1	101	1	65.63
2	102	1	67.48
3	103	1	68.09
4	104	1	68.82
5	107	1	64.26
6	301	3	65.63
7	302	3	67.48
8	303	3	68.09
9	304	3	68.82
10	305	3	68.00
11	306	3	65.96
12	307	3	64.26
13	501	5	65.63
14	502	5	67.48
15	504	5	68.82
16	507	5	64.26
17	701	7	65.63
18	702	7	67.48
19	703	7	68.09
20	704	7	68.82
21	705	7	68.00
22	706	7	65.96
23	707	7	64.26
24	901	9	65.63
25	903	9	68.09
26	905	9	68.00
27	906	9	65.96
28	907	9	64.26
29	1001	10	65.63
30	1002	10	67.48
			2001.97

NOTARY
KAVITA SHARMA
Greater Mumbai
Maharashtra
Reg. No. 15563
GOVT. OF INDIA