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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6444 OF 2014

Tradewel Construction Corporation
Pvt. Ltd. & anr. ...Petitioners
vs.
Mira Bhayander Municipal
Corporation & Ors. ...Respondents

Mr.Mohit Arora, Mr.Nirman Sharma and Mr.Parag Sawant
i/b M/s.Desai & Diwanji for the Petitioners
Mr.N.R.Bubna for the respondent No.1
Mr.Dileep Satale i/b Mulani And Co. for respondent
No.2
Mr.Girish Godbole a/w Ms Jyoti Sinha i/b Negandhi
Shah & Himayatullah for respondent No.3
Mr.Arvind Rathod i/b Arvind Rathod & Co. for
respondent No.4
Mr.Sumeet Singh authorised signatory of respondent
No.3

CORAM : A.S.OKA, &
V.L.ACHLIYA, JJ.
DATE : SEPTEMBER 30, 2015

P.C.:

1 The learned counsel for the parties state that the petitioner No.2 who is the Director of the petitioner Nos.1-Company is present. The learned counsel states that the Directors of the respondent Nos.2 and 3 are personally present in the Court.

2 The consent terms between the petitioners and the respondent Nos.2 to 4 duly signed by the said parties are taken on record and marked 'A-1' for identification. The consent terms have been also

signed by the respondent Nos.2,3 and 4 as well as their advocates.

3 The learned counsel for the petitioners and the respondent Nos.2,3 and 4 state that the petition may be disposed of in terms of the consent terms. However, we find that the respondent No.1-Municipal Corporation is not a party to the consent terms. It is, therefore, obvious that the consent terms and the order passed in terms of the consent terms will not bind the respondent No.1-Municipal Corporation. We make it clear that though we are disposing of the petition in terms of the consent terms, the applications which may be made for grant of Occupation Certificate or for grant of any permission in respect of the property in question shall be considered by the Municipal Corporation on its own merits and without being influenced by the private settlement between the petitioners and the respondent Nos.2,3 and 4.

4 Subject to what is observed above, writ petition is disposed of in terms of the consent terms marked as 'A-1' for identification. Rule is accordingly disposed of.

(V.L.ACHLIYA,J.)

(A.S.OKA,J.)

CERTIFICATE

Certified to be true and correct copy of original
signed Judgment/Order.