

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

CIVIL APPLICATION NO. 78 OF 2015
IN
PUBLIC INTEREST LITIGATION NO. 182 OF 2009

GNP Infrabuilds		
Through its Partner	...	Applicant
V/s.		
Mr. Kaustubha Dattatraya Gokhale & ors.	...	Respondents

Mr. Milind Sathe, Sr. advocate, Mr. Saket Mone & Ms. Tejaswini Bhakare
i/b. Vidhi partners for the applicant.

Mr. A.S. Rao a/w. Mr. Prashant Kamble for respondents 2 and 3.
Mr. Upendra Lokegaokar i/b. N.R. Prajapati for respondent no.9.
Mr. P.G. Sawant, AGP for the State.

**CORAM : NARESH H. PATIL AND
S.B. SHUKRE, JJ.**

1st July, 2015.

P.C.

Leave to amend/correct.

2. Learned Senior Counsel appearing for the applicant submits that IOD in respect of State was granted on 30th September, 2013. The applicant prays for necessary directions to Corporation to grant Commencement Certificate. The Corporation had filed affidavit in the PIL No. 182/2009. Paragraph 31 of the reply states as under:

“ I say that this Hon'ble Court in the order, dt. 5.5.2015 while considering the intervention application filed by certain builders, who have raised the grievance that though IOD was issued earlier to the order dated 13.4.2015 the Corporation is not granting permission to construct/issuing CC. Therefore this Hon'ble Court has directed to furnish details of such matters wherein IOD was issued, which are as under:

Year	No. of IODs issued	No. of CC issued	No. where IOD issued not	Application for CC pending
2013-14	149	89	62	22
2014-15	73	27	47	10
2015-16	2	0	2	0
Total	227	116	111	32

3. We have perused the order passed by this Court on 13th April, 2015 and 5th May, 2015.

4. It is informed that there are 111 proposals wherein IOD was issued and 32 proposals were filed for seeking commencement certificate. The petitioner is a private developer. The petitioner's proposal for development of project is in the nature of commercial one. Considering the substance and spirit of the order passed by us earlier, we are not inclined to allow the request made by the applicant to direct the respondent Corporation to process the application for grant of

commencement certificate. The said request stands rejected.

5. The request for intervention in the main petition stands allowed.

(S.B. SHUKRE, J.)

L.S. Panjwani, P.S.

(NARESH H. PATIL, J.)