

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1516 OF 2015
IN
APPEAL FROM ORDER NO. 1152 OF 2015

Man Global Limited

... Applicant

Vs.

S.C. Automobiles & Anr.

... Respondents

Mr. Dinyar Madon, Senior Advocate a/w. Mr. Bindi Dave, Mr. Sameer Pandit and Mr. Abhijeet Sadikale i/b. Wadia Ghandy & Co., Advocate for the applicant.

Mr. J. Reis, Senior Advocate i/b. Mr. Abhijeet A. Joshi, Advocate for the respondent no. 1.

Mr. M.S. Lagu, Advocate for respondent no. 2/Corporation.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: 9th December, 2015

P.C.:

The learned counsel Mr. Lagu for the Corporation submitted that as per the D.C. Rules, if at all such area is surrendered, then the Corporation does not provide any benefit especially F.S.I. or T.D.R. to the person. On query made by the Court, the learned counsel makes a statement that in respect of Agreement dated 7th January, 2015, the Corporation is not going to give any special benefits especially F.S.I. or T.D.R. of any nature in lieu of the plots surrendered to the Corporation.

2. Per contra, the learned senior counsel Mr. Reis for respondent no. 1 pointed out the contents in the Agreement dated 7th January, 2015 at page

3 that “The party of First Part has agreed to handover the following area (Amenities Open Space) out of said lands in lieu of additional F.S.I. agreed to be granted by the party of the Second Part in the form of DRC”.

3. The learned senior counsel Mr. Madon for the applicant submitted that for this reason only and in view of the order passed by this Court and as per the statement made before this Court, they want to go for revocation or amendment as per the requirement.

4. In view of this, the Corporation to take note of this order as well as the earlier order dated 19th November, 2015 and also to take note that if an application for revocation or amendment is submitted by the applicant, then it is to be considered within six weeks after receipt of the same, in accordance with law.

5. Civil Application is disposed of.

(MRIDULA BHATKAR, J.)