

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO.2093 OF 2015

Shreeniwas Cotton Mills Limited .Petitioner

v/s.

The Maharashtra Housing And Area .Respondents
Development Authority & Ors.

Mr.Madan, Senior Counsel with Mr.Cyrus Ardeshiv, Mr.Rahul Dwarkadas & Mr.Yuvraj Choksi, Advocate, for the Petitioner
Mr.Bharat Mehta, AGP, for the Respondent No.4 and newly added Respondent No.5

Mr.R.A.Malandkar with Ms K.H.Mastakar, Advocate, for the Respondent No.3 - MCGM

CORAM : A.A.SAYED, J.

DATE : 06.08.2015

P.C.

. Leave to amend to add Mr.Dhiraj Hiralal Vegda, the son of Respondent No.4 as party Respondent No.5. Amendment to be carried out within a week.

2. During the course of hearing, learned Counsel for the parties are agreed to the following order being passed :

- (i) The Respondent – Corporation shall depute its officer to inspect and re-verify the structure/s in question of the Respondent Nos.4 & 5 and make a Report. Learned Senior Counsel for the Petitioner states that the Petitioner would arrange for Videography of the

structure/s at the time of inspection. It is clarified that the eligibility of Respondent No.4 is not in issue.

- (ii) The said Report along with a copy of this order shall be placed by the Respondent Corporation before the Monitoring Committee constituted under the Development Control Regulations No.58(7)(a)(v) on 7 September 2015 at 11 a.m and when the Respondent Nos.4 and 5 as well as the Petitioner and concerned Officer of the Respondent Corporation shall remain present. The Respondent Nos.4 and 5 shall submit all relevant documents in respect of the eligibility of the Respondent No.5 before the Monitoring Committee. The Monitoring Committee shall decide the eligibility of Respondent No.5 in accordance with law on or before 16 October 2015 after hearing the parties.
- iii) The statement of the learned Counsel, upon the instructions of the Respondent Nos.4 & 5, who are present in Court is recorded as their undertaking that they along with their family members shall vacate the structure/s in question within four weeks from today. It is made clear that the decision of the Monitoring Committee will have no linkage to the date of the Respondent Nos.4 & 5 vacating the structure/s.

- iv) Learned Senior Counsel for the Petitioner states that the Petitioner undertakes to pay the Respondent No.4 a sum of Rs.4,08,000/- being the compensation for temporary alternate accommodation (@ Rs.17,000/- per month for 24 months) as well as shifting charges of Rs.10,000/- on execution of the Agreement which would be on the same basis as other occupants and which Agreement shall be executed within two weeks from today.

- v) In the event, the Respondent No.5 is held eligible by the Monitoring Committee, the Petitioner shall, similarly, pay the aforesaid amounts to the Respondent No.5 at the earliest.

- 3. The Petition is disposed of in the aforesaid terms.

- 4 Liberty to apply.

(A.A.SAYED, J.)