

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

CONTEMPT PETITION NO.110 OF 2014
IN
WRIT PETITION NO.1999 OF 2014

Sunshine Housing Pvt. Ltd. & anr. ... Petitioners

Vs.

Sitaram Kunte
Commissioner,
Municipal Corporation of Greater Mumbai & Ors. ... Respondents

Mr.Virag Tulzapurkar, Sr.Advocate, with S.P. Kadam, Apeksha Sharma i/b
Kadam & Co. for the Petitioners
Mr.E.P. Bharucha, Sr.Advocate, a/w A.Y. Sakhare, Sr.Advocate and Vandana
Mahadik for Respondents

**CORAM: SMT. VASANTI A. NAIK &
SHRI C.V. BHADANG, JJ.**

DATE: 5th MARCH, 2015

P.C.:

By this contempt petition, the petitioners seek action against the respondents under the provisions of the Contempt of Courts Act for willful disobedience of the order dated 19.8.2014, passed in Writ Petition No.1999 of 2014.

It is stated on behalf of the petitioners that though this Court had by an order dated 19.8.2014 directed the Corporation to grant full commencement certificate for C and D wings of building No.2 and all other

permissions of the building under construction and proposed to be constructed on the property in question, irrespective of whether the Corporation takes possession of the amenity open space or not, the Corporation has not approved the plans submitted by the petitioner and has insisted that the amenity space be shifted.

Mr.Bharucha, the learned Senior Counsel for the Corporation, makes a statement on instructions that the building proposed on the plot in question, including plans for building No.2 will be approved immediately without insisting on handing over of amenity space. It is stated that the proposal for taking over of the 5% of the amenity open space in lieu of TDR at the location already approved would be processed immediately.

Since the respondents have undertaken to immediately comply with the order dated 19.8.2014 in writ petition No.1999 of 2014, it would not be necessary to proceed against the respondents in this contempt petition, any further.

By accepting the statement made on behalf of the respondents, which would be binding on the respondents, we dispose of the contempt petition with no order as to costs.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)